

APPENDIX M

Response to Comments

New in the FEIS.

APPENDIX M

RESPONSE TO COMMENTS ON DEIS

The following section contains responses to comments received on the DEIS. A Notice of Availability for the DEIS was published in the Federal Register on September 17, 2010 initiating the formal 45 day comment period. A letter was sent to 28 federal, state and local agencies; 3 tribes; 28 organizations; 41 businesses; and 198 individuals to notify them of the availability of the DEIS and the start of the comment period. On October 20, 2010 the comment period was extended another 20 days in response to a request received from a member of the public. A total of 257 comment letters were received. A number of the comments received were substantively the same. Those comments have been summarized and responded to in the first part of this section. This section also includes some comments that were unique to specific letters. The second part of this section is the text of more complex letters received, and responses to the comments contained in those letters. Letters received from federal, state and local agencies are published in the third part of this section.

Part 1

Some of the following comments were summarized from similar comments received from numerous individuals and organizations. Comments unique to individual letters are designated with the number of the letter containing the comment. Refer to the DEIS comment tracking spreadsheet in the analysis file for specific information and quotes from individual letters.

Comment #1- Outfitter-guides provide access to wilderness and backcountry for those who may not have access otherwise due to physical limitations, lack of experience, and/or lack of equipment.

Response 1: The analysis in the FEIS acknowledges that outfitter-guides allow many people to access wilderness that might not otherwise be able to due to various limitations. Refer to FEIS pages 1-18 (Purpose and Need), 3-11, 3-16 through 19, 3-64, 3-73, 3-77, 3-80, and the 2012 Needs Assessment in Appendix B.

Comment #2 - Alternatives 1 and 3 may cause outfitter-guides to go out of business. Alternative Two is the only alternative that would provide for viable outfitter-guide business.

Response 2: The analysis in the EIS acknowledges the possibility that some outfitter-guides might go out of business as a result of implementing Alternative 1 or 3. Refer to FEIS pages 3-16 and 3-19.

Comment #3 - Outfitters conduct themselves in a responsible manner and help teach clients about wilderness and backcountry ethics.

Response 3: Noted. These are elements in the annual performance evaluation for each pack and saddle stock outfitter-guide.

Comment #4 - Outfitting is a historical use of backcountry and wilderness and needs to be preserved and encouraged.

Response 4: The fact that outfitter-guides have been operating in the analysis area for many years and that they provide a beneficial service is noted in the FEIS. Refer to the Outfitter-Guide section beginning on FEIS page 3-10 and in the Needs Assessment, Appendix B. Alternatives 2-4 would authorize outfitting and are fully analyzed.

Comment #5 – Increasing the barren core standard to 5,225 square feet would place the emphasis of management on recreation over the spirit of wilderness, which emphasizes “untrammeled” and “which is protected and managed so as to preserve its natural conditions”. Five thousand two hundred and twenty-five square feet of barren core exceeds my limit of acceptable change for wilderness. The camping areas used by the outfitter guides that exceed your proposed barren core area need to be restored and started on their way to recovery.

Response 5: An alternative was considered but eliminated from detailed study that would not have amended the Forest Plan to increase barren core. The rationale for its elimination is provided on page 2-3 of the FEIS. The analysis of the effect on wilderness character by Alternative 2 (including the barren core amendment) begins on page 3-202 of the FEIS. Alternative 3 would amend the forest plans to allow no more than 2,800 square feet. These amendments only allow the use of these square feet if the camp is currently at or exceeds the square foot limitation. Camps that are smaller cannot be enlarged (see FEIS, page 2-20, mitigation measure 1e). Alternative 4 would allow use of existing barren core in established campsites, but not allow more to be created at any campsite. The effects analysis discloses the impact of each amendment on wilderness character. As described in the FEIS, the barren core that exceeds the amount allowed under each alternative would not be used by the outfitter-guides and would be allowed to recover.

Comment #6 - There should be no blanket barren core requirement. Much of the current condition at the camps is a result of past use by cattlemen and non-outfitted users and the damage has occurred over many years. To expect that these areas will recover quickly is not realistic and puts an undue burden on the outfitters. Barren core and mitigation of impacts should be dealt with site specifically through collaboration between the outfitters and the Forest Service.

Response 6: An alternative was considered but eliminated that would not set an upper limit on the amount of barren core at campsites. Refer to Eliminated Alternative #1 on FEIS page 2-2. The historic uses that created many of the existing campsites are disclosed on FEIS page 3-34, 3-44, and 3-152. The recovery of barren core areas is discussed on FEIS pages 3-47 through 3-49, 3-61, 3-63, 3-70 through 3-80, 3-156, 3-157, 3-163 through 3-164.

Comment #7 – The barren core allowance should be increased to a 1/4 acre or larger in order to allow for adequate space for tents, guests, etc. and allow for adequate separation of guests and stock.

Response 7: This alternative, in addition to one developed in consultation with the pack and saddle stock outfitter-guides that would have capped the amount of barren core at 10,000 square feet, were considered but eliminated. The outfitter-guide campsites were inventoried during 2011 and 2012, and the largest were found to be Crow Lake, with 9,610 square feet, and Sheep Mountain with 8,879¹ square feet. Allowing the amount of barren core to increase to one quarter acre (10,890 square feet) or 10,000 square feet would degrade the wilderness character. In addition, since the Crow Lake and Sheep Mountain have been used by the outfitters for years with no limitations on square feet, there is no evidence that an increased size is needed. Refer to FEIS beginning on page 2-2 for a description of Alternatives Considered but Eliminated.

Comment #8 - Camps should remain in their current locations in order to prevent damage to new sites. Current camps are situated to allow other users to experience solitude.

Response 8: The analysis disclosed in Chapter 3 of the FEIS supports this statement. Refer to FEIS page 1-18 for the purpose and need for a forest plan amendment to allow existing campsites to be used, and to the descriptions of Alternative 2 (FEIS page 2-9) and Alternative 4 (FEIS page 2-15). Outfitter-guides are not permitted to establish new camps.

Comment #9 - Stock has potential to cause damage to the environment including trails, water quality, and vegetation.

Response 9: Impacts from stock were analyzed in Chapter 3 of the EIS. Refer to the Botany section beginning on FEIS page 3-235, the Hydrology section beginning on FEIS page 3-168, and the Wilderness section beginning on FEIS page 3-121. Impacts to trails, soil, water quality, and vegetation are also disclosed throughout these sections, as well as others.

¹ All barren core measurements are approximate, and calculated from measurement collected at the campsite. The amount of barren core can fluctuate from year to year based on weather, time of the season when measurements are made, and use patterns by non-outfitted recreationists.

Comment #10 - Impacts to campsites and trails are not solely a result of use by outfitters. Much of the impacts observed are the result of non-outfitted users, historic activities such as grazing and mining, and natural events such as fire.

Response 10: Environmental impacts from non-outfitted recreationists are discussed throughout the FEIS. Refer to the Historic Activities discussion on FEIS pages 3-32 through 3-35. Also refer to the Historic Activities and Alternative 1 Direct/Indirect Effects in each resource section of Chapter 3, and to the cumulative effects section under each resource section.

Comment #11 - Impacts are isolated and minor relative to overall land base.

Response 11: This is consistent with the conclusions of the analysis in Chapter 3. Refer to summarized effects statements on pages 2-35 through 2-51, with detailed analysis and disclosure in each resource section in Chapter 3.

Comment #12 - The party size for outfitter guides needs to be reduced.

Response 12: Alternative 3 includes a forest plan amendment to reduce the maximum party size for outfitter-guide to 12 (combination of people and stock). Refer to FEIS page 2-12. Another alternative was considered but eliminated that would have reduced the size to 5 people and 2 head of stock. Refer to Eliminated Issue #5 on page 2-3.

Comment #13 - The party size of 12 people and 18 stock is reasonable.

Response 13: Noted. This is the party size in Alternatives 2 and 4.

Comment #14 - Outfitter guides provide the opportunity to access and appreciate wilderness character and are part of the wilderness experience.

Response 14: This is discussed and disclosed in the FEIS on pages 3-23 through 3-25 and the Needs Assessment in Appendix B.

Comment #15 - Given the size of the wilderness, conflicts should be avoidable and likely only occur when people seek them out.

Response 15: Analysis of opportunities for solitude and potential for user conflicts are disclosed in the Wilderness section in Chapter 3 of the FEIS on page 3-183. One of the reference documents for this analysis, 2009 Wilderness Study (Burns, et al., 2010), includes information about conflicts. According to that study, 97% of the wilderness users did not have conflicts with others during their trips. Refer to page 12 of that document.

Comment #16 - Commercial use is not the purpose of the Wilderness Act. Commercial services should not be valued above other purposes of wilderness.

Response 16: The Wilderness Act specifically allows commercial services “to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” Refer to FEIS pages 3-23 through 3-25 for a summary of the findings of the Need Assessment, and to the 2012 Needs Assessment (USDA Forest Service, 2012a, Appendix B) for the full analysis.

Comment #17 - Excessive regulation of outfitter guides violates the spirit of "unconfined" recreation that is one of the purposes of the Wilderness Act.

Response 17: Outfitter-guides operate on National Forest System Land under special use permits. Compliance with the terms and conditions, or regulations of the permits is required. The need for and objectives of the mitigation measures (which will become part of the terms and conditions) are disclosed on FEIS pages 2-19 through 2-26. These measures are needed to ensure pack and saddle stock outfitter-guide activities comply with laws and management direction, and to minimize environmental effects. They are therefore not excessive and do not negatively impact opportunities for unconfined recreation. Refer to the Wilderness section beginning on FEIS page 3-21 for the full analysis of effects to wilderness character. Specifically refer to the definition of opportunities for solitude or a primitive and unconfined type of recreation on FEIS page 3-28.

Comment #18 - Outfitter guides assist the forest service in clearing and maintaining trails and in fighting fires.

Response 18: Outfitter-guides do assist in trail clearing and maintenance, and can be hired to assist in fire suppression activities; however these activities are not part of the described permitted activities on pack and saddle stock outfitter-guide permits. Refer to Chapter 3.1 Outfitter-Guides.

Comment # 19 - Why was no alternative analyzed for continuing current management practices? Why was the No Action not a continuation of current management practices?

Response 19: Alternative 2 is very close to the current pack and saddle stock outfitter-guide program in terms of the number of service days. Refer to comparative information on FEIS page 2-31. The pack and saddle stock outfitter-guides are currently operating under one-year special use permits. The proposed action is to issue 10-year permits, and Alternative 1, the No Action alternative, would not issue the permits (FEIS page 2-8).

Although the Council on Environmental Quality (CEQ), in its 40 Most Asked Questions, defines the “no action” alternative in two different ways, both “no change” and “no project,” it is clear that for this project, no-action means no project. As CEQ discusses:

The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed.

That is not the case with this project.. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits; this proposal is to issue 10-year permits. Additionally, an exact alternative matching the current permits does not meet the Forest Plan because 12 people and 18 head of stock cannot fit into 400 square feet. Refer to Response 228-2.

Comment #20 - The comment period provided on the DEIS was inadequate.

Response 20: The original review period for the DEIS was 45 days, as required by regulation. The comment period was extended another 20 days in response to requests from the public.

Comment #21 - Temporary Permits are not a good way to run a business. Ten year permits should be issued in order to provide some stability and allow outfitters to develop long term business plans.

Response 21: Alternatives 2, 3, and 4 all would issue 10-year permits. Refer to FEIS pages 2-9, 2-12, and 2-15.

Comment #22 - Outfitter guides provide a valuable service.

Response 22: Noted. Refer to FEIS page 1-19, and Appendix B.

Comment #23 - Income generated by outfitter guides is important to the Methow Valley economy.

Response 23: In response to comments received on the DIES, an economic analysis was added to the FEIS that discloses the contribution of pack and saddle stock outfitter-guides

to the Okanogan County economy. Refer to the Economic and Social section in Chapter 3, beginning on FEIS page 3-357.

Comment #24 - The number of service days reported from 2004-2009 were indicative of external factors (fires, flooding, etc.) which had a direct effect on the outfitters' ability to access these wilderness areas. You should revisit the timeframe and evaluate use from 1999-2004 which is a more accurate reflection on the actual usage. Additionally, you should allow for a modest 25% increase in service days. The plan does not allow for realistic growth or for new outfitters to come into the area and start up a business.

Response 24: In response to comments received on the DEIS, Alternative 4 was added to the FEIS. This alternative includes the number of service days equal to the highest amount of service days actually used from 1999 to 2009, and increases that number by 25% to allow for business growth. The resulting number 6,700 service days is discussed in the FEIS on page 2-9 and fully analyzed in Chapter 3 of the FEIS. The time span used was 1999 to 2009 because Alternatives 2 and 3 were finalized for analysis in 2009. The same time span was used to determine days for Alternative 4 to be consistent.

Comment #25– There should be no increase in the number of packers.

Response 25: Alternative 2 is very close to the existing number of service days (4,620 in Alternative 2 compared to 4,460 currently). Alternative 3 reduces the number of service days to 2,660. The number of businesses operating fluctuates over time as some cease operations and new ones begin. As described on FEIS page 1-21, 10-year permits would be issued to the existing outfitter-guides. Permits could be issued to other acceptable businesses as long as the maximum number of service days is not exceeded.

Comment #26 - When burro outfitters take in their clients, the clients walk on foot carrying only light day packs and burros move in a walking gait led by a man also walking. Burros are lighter than mules and walk instead of trotting; therefore they have a reduced impact on the trail compared to mule pack trains. Why not give priority to burro based outfitters?

Response 26: As stated in the FEIS on page 1-21, permits would be issued to the currently operating companies or to other acceptable businesses if any of the current ones cease operation or have permits revoked. There are currently no burro outfitters operating, but a permit could be issued to a burro based outfitter if excess service days are available in the future. Horse and mule or llama outfitters have not resulted in unacceptable environment effects, nor would the alternatives result in unacceptable environment al effects (see Chapter 3 affected environment sections in the FEIS).

Comment # 27 - Is it feasible (or enforceable) to limit the speed of commercial stock to a walking gait for the purpose of reducing trail damage?

Response 27: Pack and saddle stock outfitter-guides do not typically allow stock to move faster than a walking gait of approximately three miles per hour. When stock trot, especially when loaded with pack boxes, there is a greater risk of injury to the animal or damage to packed gear. Also, riders are more comfortable on a horse that is walking versus trotting for any distance. There may be rare occasions when a packer leads a string at a trot, but it would not be for a sustained distance unless there was some sort of emergency situation. It would not be feasible or necessary to impose a speed limit.

Comment #28– The restrictions placed on outfitted users should also apply to non-outfitted users. Along these lines, it would be reasonable to require that at least one member of each non-outfitted party be required to take a certification course to ensure that they understand Leave No Trace practices.

Response 28: Any requirements or restrictions on non-outfitted users are outside the scope of this analysis. See Purpose and Need on page 1-18 of the FEIS and Eliminated Issue #16 on FEIS page 1-30.

Comment #29 - Permanent outfitter campsites should be required to have an outhouse facility.

Response 29: Latrines are constructed at the assigned sites each season. Refer to mitigation measure 7a on FEIS page 2-22 for direction on their use, and Appendix C for barren core allowance for latrines.

Comment #30 - The statistics used in the DEIS vary from page to page as far as the stock usage and the amount of stock usage by the outfitters. Surveys were taken and used by Region 6 that are totally incorrect. This was brought out in a Public Lands meeting with BCHW in December in Cle Elum in 2008.

Response 30: The statistics concerning recreation visitor days, service days, and pack and saddle stock use are consistent throughout the DEIS. The use numbers were updated in the FEIS based on new information, and these are also consistent throughout the FEIS. The source for the recreation visitor days is the National Visitor Use Monitoring results (with the exception of the estimates for the Sawtooth Backcountry), as explained on FEIS pages 3-30 and 3-109. Refer to these pages for a discussion of the statistical accuracy of these estimates. Service day estimates are explained on FEIS pages 3-30 and 3-109.

Comment #31 - Sheep and cattle grazing should be returned to the Forest.

Response 31: Sheep and cattle grazing are outside the scope of this analysis. See Purpose and Need, FEIS pages 1-18 and 1-32.

Comment #32 - Were all of the comments received as part of the Recreation Activity Review in 1999 and 2000 used as official/legal scoping comments for this DEIS?

Response 32: The scoping process for this analysis is described in the FEIS on pages 1-24 and 1-25. The comments received during the Recreation Activity Review were added to letters responding to the official scoping letter, and considered part of the official scoping response. The earliest dated letter in the analysis file is February 5, 1999. The first scoping letter was mailed on November 15, 2000.

Comment #33 - Keep current established use and focus on funding roads, trails, timber and education.

Response 33: Funding levels for Forest Service activities is determined by congress and the Washington Office, and outside of the scope of this analysis.

Comment #34 - Alternative #3 would result in people breaking the rules.

Response 34: This is speculation on the part of the commenter and is not supported by any substantive information.

Comment #35– Why are outfitter guides being singled out in this plan even though they make up a small percentage of overall users and monitoring has shown an upward trend in wilderness character?

Response 35: This analysis is being completed to respond to applications submitted by the current pack and saddle stock outfitter-guides for 10-year special use permits. NEPA analysis is required prior to issuing these new permits. Refer to Purpose and Need, FEIS page 1-18.

Comment #36 - If outfitter guides are not supported, we will lose an essential component for rescues.

Response 36: Search and rescue operations are coordinated through the Okanogan County Sheriff's office. Pack and saddle stock outfitter-guides do assist in these operations when requested, as discussed in Chapter 3.1 Outfitter-Guides.

Comment #37 (Letter #215, EPA) - The DEIS does not appear to use the most recent 303(d) list of impaired water bodies. The water quality analysis in the FEIS should be based on the most current 303(d) list - 2008. Please verify in the FEIS that no waters identified as impaired in the 2008 list would be adversely impacted by the project.

Response 37: The analysis was based on the updated 2012 303(d) list. No water bodies within the analysis area were added to the updated 2012 list. Refer to FEIS page 3-170.

Comment #38 - The requirements on the outfitter to support grizzly bear safety requires additional bare-ground to separate cooking, sleeping, and stock holding areas.

Response 38: Separating the cooking, sleeping, and stock holding areas is not required for grizzly bear safety, however it is recommended. Refer to the environmental effects of Alternatives 2, 3, and 4 on FEIS pages 3-298 through 3-299 for a discussion of required actions.

Comment #39 - Demand for commercially outfitted trips will not simply "go away". In the absence of permitted outfitter-guides, unauthorized and unregulated outfitting by non-permitted individuals and organizations will persist.

Response 39: This is speculation on the part of the commenter and is not supported by any substantive information. Operating an outfitter-guide business on National Forest System land is a violation of law.

Comment #40. The barren core measurements included in the document are wrong.

Response 40: Barren core in campsites has been measured as part of campsite monitoring for many years. The campsites consistently used by the pack and saddle stock outfitter-guides were surveyed in 2011 and 2012 to update barren core information. Refer to FEIS pages 3-44 through 3-50 and Appendix A for a discussion of the monitoring results, and disclosure of the current estimates of barren core.

Comment #41– Outfitter-guides should be allowed to carry chainsaws so they can cut down snags that pose a hazard to other riders and hikers.

Response 41: This is outside the scope of the analysis because it is decided by law. Use of mechanized equipment, such as chainsaws, is prohibited by the Wilderness Act. Use can be authorized for specific tasks after completion of site-specific NEPA analysis. Any blanket authorization for ongoing chainsaw use by outfitters would violate the Act.

Comment #42: Hikers should be willing to work with the outfitters and share the trails. I know the outfitters are already honoring this.

Response 42: Non-substantive comment, but noted.

Comment #43: Some of the issues addressed in the DEIS should be covered in the Management Plan. Outfitting will go on, with or without USFS consent.

Response 43: The DEIS/FEIS is tiered to the land management plans for the Okanogan and Wenatchee National Forest. Refer to FEIS page 1-10 to 1-15. Any outfitting that occurs without special use permits would be a violation of law and dealt with accordingly. The Forest Plans are currently undergoing revision which will address standards and guidelines in wilderness.

Comment #44: The Forest Service should develop incentives for the outfitters to reduce their impact and embrace minimum impact techniques. Wilderness campsites should be in natural conditions with native vegetation present for future generations to appreciate. Outfitter-guides have a place in Wilderness. Outfitter-guides like Outward Bound and NOLS lead the way.

Response 44: Incentives are not necessary because the mitigation measures listed on FEIS pages 2-19 through 2-25 are designed to reduce impacts from pack and saddle stock outfitter-guides, including following leave-no-trace techniques. The condition of vegetation in and around established campsites is discussed in the FEIS in the Botany section, beginning on FEIS page 3-246. Refer to Responses 1, 4, and 22 for response to the value of outfitter-guides. Activities of Outward Bound and NOLS are part of the present and reasonably foreseeable future actions and therefore included in the cumulative effects disclosed at the end of each resource section in Chapter 3.

Comment #45: The 10-year permits should be issued immediately, or the issuance should be categorically excluded.

Response 45: Ten-year permits cannot be issued until the environmental analysis is completed. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits that expire on March 31, 2012, and none of them has ever held a ten-year permit. Their current permits contain language in Sections I.C. and I.D. that makes this clear:

This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of this permit...The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service.

New ten-year permits cannot be categorically excluded since the terms are different than the existing one-year permits. Refer to Responses 19 and 228-2.

Comment #46: The calculations in the Needs Assessment are confusing. There are errors and inconsistencies in the calculations.

Response 46: The 2010 Needs Assessment was revised to correct errors in the calculations, and make the calculations clearer. Refer to the 2012 Needs Assessment (Appendix B), and to Response 196-7.

Comment #47: In 2009 the District Ranger issued temporary permits eliminating pack and saddle stock outfitter-guide priority use. In 2007 the Forest Supervisor issued 10 year permits to non-stock outfitters in the same permit area using a CE with no requirement of a DEIS. In September 2010 a Stock DEIS was published with 3 non-working alternatives. In consideration of the above information the trust factors of your recreation partner is dwindling.

Response 47: Temporary use permits were issued to the pack and saddle stock outfitter guides for several years as the priority use permits expired. The ten-year priority use permits could not be issued without completing this FEIS. The temporary permits allowed the businesses to continue operating while the DEIS/FEIS was completed. One-year priority use permits were issued annually starting in 2010. Refer to FEIS page 1-1. A ten-year permit was issued to Outward Bound in 2007. This was categorically excluded from documentation in an EIS because the only change in the terms and conditions of the 10-year permit compared to the previous permit was the length of the term (Forest Service Handbook 1909.15, Chapter 30, 31.2(15)). Refer to Figure 3.0-1 starting on FEIS page 3-5, and 3-82 for a description of other outfitters operating in wilderness.

Comment #48: The DEIS/FEIS is not the proper place to change permitted party size since the change would only apply to one user group.

Response 48: Alternative 3 includes a forest plan amendment that would reduce the party size for pack and saddle stock outfitter guides. Refer to FEIS page 2-12 through 2-15. It would not apply to non-outfitted parties because that would be outside the scope of the analysis (refer to Eliminated Alternative #3 on FEIS page 2-2).

Comment #49: The permit areas for the pack and saddle stock outfitter-guides are area wide not drainage or camp specific.

Response 49: The permit areas include the entire analysis area. Refer to FEIS pages 1-2 through 1-5 for a description of the analysis area and Maps 1-2 and 1-3.

Comment #50: Trail maintenance was eliminated as an issue because it is not within the scope of the purpose and need. I disagree. Trails have an impact on wilderness character. Eliminating trail maintenance as an element of wilderness management is unwise.

Response 50: Refer to Eliminated Issue #24 on FEIS page 1-31. Trails do have an impact on wilderness character, and trail maintenance is important to wilderness management. Trail maintenance is outside the scope of this FEIS, however, because it is not part of the purpose and need, as described on FEIS pages 1-16 through 1-18. Trail maintenance is part of the cumulative effects analysis in the resource sections of Chapter 3. Refer to FEIS page 3-4, 3-9, 3-81, and 3-83.

Comment #51: The Highland Stage Company is permitted to conduct pack and saddle stock outfitted trips for hunting, fishing, and recreation on the Tonasket District.

Response 51: Highland Stage Company's permit does not authorize use within the permit area of the pack and saddle stock outfitter-guides included in this analysis. Highland Stage Company's permit covers some lands on the western half of the Tonasket Ranger District outside the Pasayten Wilderness. There is no overlapping use or effects with the pack and saddle stock outfitter-guides in this FEIS.

Comment #52: Reliance on natural restoration of barren core areas while planning no restrictions on non-outfitted users is a recipe for future conflict.

Response 52: The recovery of barren core areas that are off-limits to the pack and saddle stock outfitter guides, but not the general non-outfitted public is discussed in the FEIS on page 3-63.

Comment #53: There does not appear to be any way for a new outfitting business to operate. The proposed action appears to grant a monopoly to the same businesses and offers no provision to allow other acceptable businesses to make the use of unassigned service days. There is no documentation describing the Moratorium on new outfitters that began in 1993 or of the rationale behind the decision to continue to limit service days to existing outfitters.

Response 53: The purpose and need for this analysis is to respond to specific permit applications from the current pack and saddle stock outfitter-guides (FEIS page 1-18). The FEIS clearly states that permits could be issued to other acceptable businesses if the current outfitters cease to operate, as long as the maximum number of service days is not exceeded (FEIS page 1-22). No moratorium on new outfitters has ever been put in effect; in fact new outfitters have been authorized within the current use numbers since 1993. However, right now, the districts are not accepting permits for new pack and saddle stock outfitters until this analysis and decision are completed.

Comment #54: Why has it taken over 10 years to complete this analysis? Every year that passed with no action from the agency represents a year of uncertainty and difficulty for the affected family businesses.

Response 54: The Forest Service began the process of this environmental analysis in 2000. There were a number of delays in completing the analysis, including wildfires, budget reductions, other higher priority projects, and other factors. Temporary permits and one-year priority use permits were issued to the outfitters each year to allow them to operate during the analysis process.

Comment #55: After 22 years of construction, the Sawtooth Outfitters base camp at Crater Creek Trailhead blends with the landscape. If the outfitter does a good job at his trailhead, he's probably doing a good job wherever he goes.

Response 55: The Crater Creek base camp is discussed on FEIS pages 2-10, 2-14, 2-17, and 3-137.

Comment #56: There should be a threefold increase in the commercial usage. The public would have the supply of commercial pack and saddle outfitters to fill their actual needs, not some contrived expected minimum need.

Response 56: The Wilderness Act allows commercial use only to the extent necessary to fulfill the purposes of the Act. As stated in the Purpose and Need, the purpose of this project is to respond to special use permit applications from current pack and saddle outfitter-guides, and protect wilderness character in the Pasayten and Lake Chelan-Sawtooth Wilderness Areas, while providing necessary pack and saddle stock outfitter-guide commercial services (Refer to FEIS page 1-19).

An alternative was considered but eliminated that would have increased service days to 13,380, a threefold increase in the current number of service days. Refer to FEIS page 2-2 for information.

Comment #57: The commercial outfitters should be involved in revision of the standards as they truly live the reality of dealing with the elements.

Response 57: The current pack and saddle stock outfitter-guides have been involved in this process. They assisted in developing the barren core calculations in Alternative 2, and also in developing Alternative 4 to specifically address their concerns about service days. They assisted in developing the alternative considered but eliminated that would have allowed use of up to 10,000 square feet of barren core. Their concerns about barren core were addressed in Alternative 4, although modified based on field data concerning existing barren core. Refer to Response 7.

Comment #58: As a taxpayer, I request to know the cost of producing this DEIS including all the costs spent over the past several years. I would also like to know if a cost-benefit analysis was done prior to producing this DEIS.

Response 58: The cost of preparing this DEIS/FEIS is irrelevant to this analysis or decision. The purpose and need for the analysis is described beginning on FEIS pages 1-18. No cost-benefit analysis for producing the EIS is required. The Forest Service's accounting system does not track money spent on individual projects, only on each budget line item (for example, here, all recreation projects together).

Comment #59: Some of the Forest Service employees involved in preparing the DEIS are members of the FSEEE. FSEEE is intent on reforming and suing the Forest Service, and lines up with Wilderness Watch in their agendas which generally oppose use of wilderness by commercial outfitters.

Response 59: Private organization membership status of any specialist working on this project is irrelevant to this analysis. The comment regarding Forest Service employee membership in FSEE is conjectural and not supported by factual evidence.

Comment #60: There is over 60,000 square feet of garbage, rubbish, broken glass, aluminum, etc. atop a lone distant peak less than 3 air miles from Tatoosh Buttes. This deserves to be included in the DEIS.

Response 60: The pack and saddle stock outfitter-guides do not use a camp in this location, therefore the condition of that site, including garbage, is not a result of outfitter-guide activities, and is outside the scope of this analysis.

Part 2

Several complex letters were received. These letters included many comments and concerns, many of which were unique to these letters. To ensure that no comments or concerns were left unaddressed, the letters are included verbatim, with responses inserted after each comment or concern. The verbatim contents of the letter are in *italics*. Responses to the comments are shown in **bold**.

Response to Comments from Letter #144 (Birch Berman)

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

The DEIS for pack outfitter special use permits fails to adhere to a minimum-impact philosophy and thereby violates the Wilderness Act. While the Forest Service preaches minimum impact use of wilderness, it utterly fails to define what this means and allows commercial outfitters who take large groups into the Pasayten to operate in a way that violates minimum impact techniques. The biggest single offense is the sheer quantity of stuff hauled in. More stuff means more animals to haul it and a larger camps size to accommodate all the stuff. More animals means more impact on the trails and on grazing areas too, and it is all unwarranted, because all this stuff is not consistent with a minimum impact philosophy. Why doesn't the deis define what it means by minimum impact:

Response 144-1: Refer to mitigation measures 5a and b on FEIS page 2-22. Also refer to Response 179-10 and 179-13.

Minimum impact can be at least partially defined by weight allowances – a certain amount of gear per client and a certain weight allowance of food per client per day. The large wall tents in outfitter camps also violate a minimum impact philosophy; these tents have nothing to do with safety, as the outfitters argue, and everything to do with comfort and convenience. Yet the FS own Handbook for Outfitting and Guiding states that comfort and convenience should not be the driving force behind an outfitter's operation. Why doesn't the deis maintain this

standard that its own Guidebook advocates?

Response 144-2: Minimum impact, or Leave-No-Trace is a technique that encompasses all aspects of wilderness recreation and is not defined by weight allowances. Refer to Mitigation Measure 5 on FEIS page 2-22 for information on Leave-No-Trace direction for the outfitters. Some outfitters already limit the amount of gear each client can bring, but they are all required to stay within the party size limitations. Therefore, the party size limitation dictates the amount of gear and food that can be transported.

The Leave-No-Trace booklets advise people to use equipment that keeps people safe and comfortable in extreme conditions. Wall tents can help people stay safe and comfortable. Equipment giving comfort and convenience does not violate Leave-No-Trace philosophy, as the commenter suggests.

The commenter is referring to a book titled "Outfitter-Guide Administration Guidebook", 1997, from the Staff of the Northern Region, USDA Forest Service. This book is not the Forest Service manual or handbook for outfitter-guide administration, and does not give direction. Refer to Response 179-18. Additionally, using wall tents is not the driving force behind pack and saddle stock outfitter-guide operations. Refer to Alternatives Considered But Eliminated number 12, FEIS page 2-4.

The DEIS fails to accurately evaluate outfitter impacts because it does not account for the routine use of resupply trips. The outfitters who take large groups of people and animals into the Pasayten routinely run additional pack strings to resupply a given group of up to twelve people, and the additional pack strings have impacts that are not accounted for in the EIS. Each animal of these additional pack strings needs to count towards a service day. As it stands now, these outfitters may be using as many as 3 or 4 animals to support each client, and this way beyond minimum impact standards. Why doesn't the deis address the issue of resupply trips?

Response 144-3: The commenter's description of re-supply trips is not accurate. Re-supply trips are listed as one of the types of trips offered by the pack and saddle stock outfitter-guides, and included in the analysis of impacts. Resupply trips are not routine for any given group, and in fact are very infrequent. Rarely, an outfitter will bring additional supplies to a full-service or drop camp, but typically all food and gear needed for a particular trip are transported with the clients. The occurrence is low enough to not add additional environmental impacts. Service days are defined by the special use permits as one person for one day, or a partial day. Stock are not counted as service days.

The deis fails to address the problem of loose-roaming stock disturbing other users. Other wilderness users have the right to travel undisturbed and unmolested by commercial users, and these commercial users have an obligation to control their animals and keep them out of the camps of other users. Why doesn't the deis address this issue?

Response 144-4: Analysis was added in the FEIS addressing impacts to wilderness character and other resources, from loose grazing stock. Refer to discussions beginning on FEIS pages 1-7, 3-13, 3-52, 3-64, 3-72, 3-77, 3-80, 3-159, 3-164, 3-173, 3-211, 3-239, 3-347, and to Response 179-129.

The Needs Assessment was very biased in that it failed to get adequate information from backpackers, many of whom avoid areas of high outfitter use and therefore were not available to the people doing the needs assessment. Why didn't the needs assessment team actively seek out users who were not present in area of high outfitter use?

Response 144-5: Information used in the 2009 Wilderness Use Study (Burns et al., 2010) was collected from all users exiting the wilderness, not at outfitter-guide camps. Refer to Responses 179-385, 179-386, 179-427, and 179-436 for information about how this study was conducted.

The deis fails to implement mitigation measures. The deis equates mitigation with following existing rules and regulations, but the two are not the same. Why didn't the deis promote active measures to reduce existing damage cause by high outfitter use?

Response 144-6: The mitigation measures include the rules and regulations listed in FEIS Appendix D and specific measures listed on FEIS pages 2-19 through 2-26. The specific measures are not covered by rules and regulations, and are designed to mitigate potential effects from pack and saddle stock outfitter-guide activities. Refer to Responses 179-148 and 165-327 for information on the effects of the mitigation measures disclosed in the FEIS.

Based on my 30 years of experience in the Pasayten, the % of use of the Pasayten by commercial outfitters stated by the deis is way too low. How exactly did you arrive at these numbers and why didn't you also count the resupply trips that don't show up as service days? And why don't you charge outfitters for the additional animal use days that are involved in resupply trips and other trips outfitters do, without clients, to maintain their camps? All these additional trips have impacts that are not considered by the deis.

Response 144-7: The percentages of overall use attributed to the pack and saddle stock outfitter-guides throughout the DEIS were revised in the FEIS. The basis for total use is the 2005 NVUM data, but these data were revised after the DEIS publication. The new use numbers were lower in the Pasayten and Lake Chelan-Sawtooth Wildernesses, so the percentage that is outfitted is higher than disclosed in the DEIS. Refer to FEIS page 3-30 for more information. Outfitter-guides fees are calculated using actual service days used, as directed by Forest Service regulations. Refer to Eliminated Issue #1 on FEIS page 1-29. Refer to Response 144-3 for information about re-supply trips.

Response to Comments from Letter #166 (Okanogan County Commissioners)

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

We have received a copy of your news release dated September 7, 2010 announcing a review and comment period on the Draft Environmental Impact Statement (DEIS) for the permitting

process for pack and saddle outfits on National Forests in Okanogan and Chelan Counties. We offer the following comments regarding the DEIS.

First and foremost, the United States Forest Service has failed to meet their statutory obligation to coordinate your review of this process with Okanogan County. Okanogan County has sent several letters on different programs requesting you coordinate your efforts with us. Our intent to be active in these processes should by now be crystal clear to USFS Administration. Creating this DEIS without coordinating your efforts with us has resulted in the following fatal flaws in your process and the document.

A) You have failed to comply with the requirements of 16.U.S.C.1604 of the National Forest Management Act. Section 1602 directs the Secretary of Agriculture to "develop, maintain, and as appropriate revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal Agencies."). Including Okanogan County on your NEPA notification list does not satisfy this requirement.

B) Your failure to coordinate with us has violated the intent of 42 U.S.C. 4331 Congressional Declaration of National Environmental Policy (NEPA). Congress has directed that "it is the continuing policy of the Federal government, in cooperation with State and local governments to use all practicable means and measures in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

By failing to coordinate your efforts with us our ability to help shape the scope of review for the EIS as well as the specific economic analysis we believe is critical has been irretrievably compromised. To move forward with your DEIS would constitute a squandering of valuable resources and a lack of good faith in your desire to comply with federal statute.

Response 166-1: The Okanogan County Commissioners have been on the mailing list for this project since 2005, and have received several letters inviting comments and updating recipients on the progress of the analysis. The only response from the commissioners to any of these letters was their selection to review the CD version of the DEIS. No other responses or concerns were ever received. However, there were ongoing conversations over the project with County Commissioner Bud Hover in which the project and process were discussed. At no time in this process did Commissioner Hover express any concerns that the Okanogan County Commissioners had not been adequately involved.

Contacts with the Commissioners throughout the process are detailed below:

- Updated scoping letters dated June 23, 2005 and July 5, 2005
- Letter announcing the pending release of the DEIS and asking recipients to select the form of the document desired was mailed on April 4, 2008. The postcard returned by the commissioners requested a CD version.
- On March 18, 2009 Forest Supervisor Becki Heath responded to a letter from Commissioner Hover expressing concern over the permit issuance process.

- Letter dated July 30, 2010 updating recipients on the progress of the analysis, and summarizing the proposed action for issuing 10-year pack and saddle stock outfitter-guide permits and amending the Okanogan and Wenatchee National Forest Land and Resource Management Plans to increase allowable barren core size.
- CD version of the entire DEIS was mailed to the commissioners on August 31, 2010.
- Letter mailed on September 8, 2010, correcting the website address given for the DEIS in the cover letter for the August 31, 2010 DEIS mailing.
- Letter mailed on October 20, 2010 announcing extension of the comment period to November 22, 2010

The commenter raises concern that Forest Service had not followed the National Forest Management Act requirements of 16 United States Code §1604. Although the cited text relates to development, maintenance and revision of Land and Resource Management Plans, not project level analysis, it's clear the above consultation and coordination with the Commissioners meets the requirements of 16 U.S.C. §1604. The three FEIS action alternatives fully developed both contain non-significant amendments to the Forest Plans (FEIS pages 2-4 through 2-6, 2-7 through 2-9, and 2-10 through 2-12). As stated in 16 USC §1604(f)(4), non-significant amendments can be approved at the project level after public notice, without the additional requirements required for significant amendments in 16 USC §1604(d).

In addition to our aforementioned concerns, we believe the DEIS is flawed in a number of key ways.

1) The alternatives proposed in the DEIS fails (sic) to accurately capture a no action alternative and further proposes (sic) alternatives that do not span the breadth of acceptable actions.

The no action alternative proposes a program where no permits are issued. This is not the current day circumstance. A no permit scenario may well have been appropriate to consider in the initial stages of review but should have been analyzed only as an option and not as the current program.

Response 166-2: Although the Council on Environmental Quality (CEQ), in its 40 Most Asked Questions, defines the "no action" alternative in two different ways, both "no change" and "no project," it is clear that for this project, no-action means no project. As CEQ discusses:

The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed.

That is not the case with this project. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits that expire on March 31, 2012, and none of them has ever held a ten-year permit, nor do they have any “vested rights.” Their current permits contain language in Sections I.C. and I.D. that makes this clear:

This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of this permit...The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service.

Section III “Rights and Liabilities,” part A of these permits further specifically states that “This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license.”

2) The other alternatives proposed fail to analyze and quantify the probable, significant, and adverse impacts anticipated from the issuance of these permits.

A number of conditions for camp size area, etc are asserted to have impacts but no supporting information is provided other than reference to guidebooks and other nonregulatory documents. In accordance with the Data Control and Quality Act the science based information that led to these conclusions should be provided. Simply referencing the documents in which these assertions are reported does not satisfy this requirement. By approaching the review in this manner there was no opportunity given to properly analyze the impacts that an expansion of this permit program would cause. It was merely assumed it would be harmful.

Response 166-3: The Forest has a detailed inventory of the current conditions at these camps, and the effects analysis in Chapter 3 of the FEIS discusses the impacts of the camps. All supporting documentation is properly cited in the FEIS and specialist reports are available on request. The camps are discussed on FEIS pages 3-44 through 3-52, 3-60, 3-61, 3-63 through 3-64, 3-70 through 3-80, and in Appendix A, in addition to campsite condition discussions in Soil (3.4), Aquatic Resources (3.6), Botany (3.7), and Terrestrial Wildlife (3.8).

3) The lapse in time between the initial scoping and issuance of the DEIS has failed to capture the change in Federal policy that has come about regarding the importance that access to these lands has to the well being of the American people.

Since the initial scoping President Obama has created the Great Outdoor Initiative which promotes access to Federal lands by all people. A great deal of information has been generated identifying the tremendous benefit to the public that is brought about by outdoor activities on these lands. This certainly presents a change in policy by the federal government which has not been considered in the scoping for this DEIS. One of the key outcomes in any EIS is to accurately assess the probable, significant, and adverse impacts caused by any program to the natural environment and to weigh them against the public benefit. The current DEIS fails to consider the

information supporting the public benefits that increased access to this land would bring. The activities that are permitted by the program under review provide opportunity for access that would not otherwise be available while at the same time causing minimal impact to the environment.

Response 166-4: The goals of President Obama's Great Outdoor Initiative are to:

- (i) Reconnect Americans, especially children, to America's rivers and waterways, landscapes of national significance, ranches, farms and forests, great parks, and coasts and beaches by exploring a variety of efforts, including:**
 - (A) promoting community-based recreation and conservation, including local parks, greenways, beaches, and waterways;**
 - (B) advancing job and volunteer opportunities related to conservation and outdoor recreation; and**
 - (C) supporting existing programs and projects that educate and engage Americans in our history, culture, and natural bounty.**
- (ii) Build upon State, local, private, and tribal priorities for the conservation of land, water, wildlife, historic, and cultural resources, creating corridors and connectivity across these outdoor spaces, and for enhancing neighborhood parks; and determine how the Federal Government can best advance those priorities through public private partnerships and locally supported conservation strategies.**
- (iii) Use science-based management practices to restore and protect our lands and waters for future generations.**

The FEIS furthers these goals by ensuring that pack and saddle outfitting and guiding furthers conservation, protection and restoration of resources. The Forest Plan amendment proposed as part of the EIS is consistent with these goals, particularly in working in partnership with outfitters to ensure large campsites are restored. The 2012 Needs Assessment completed for and cited in the FEIS (pages 1-18 and Appendix B), and the FEIS itself (pages 3-23 through 3-25) demonstrate the extent to which these outfitters are needed to provide services and education to clients who either do not have the skills, equipment, or knowledge to travel into wilderness using stock, or the physical ability to do so on foot.

4) The DEIS failed to consider an economic analysis that accurately quantifies the contribution to the economic base of Okanogan County and it's municipalities that is brought about by this program or to accurately measure the impact that an increase or decrease of this program would bring.

The Federal Agencies are mandated to consider the economic impact to small entities (under 50,000 people) that federal programs might cause. We were not involved in the preparation of any economic analysis nor have we been able to determine that any other local expertise was utilized or consulted. Since the DEIS failed to gather any comprehensive information regarding the impact this program has on the local economy it stands to reason the analysis is not only incomplete but inaccurate.

Response 166-5: An economic analysis was added to the FEIS, and begins on page 3-357. Input from the Okanogan County Commissioners concerning the structure of the economic analysis was considered. Refer to Response 259-1 for detailed information concerning this input.

In addition to the above mentioned concerns we have other concerns regarding the vested rights of outfitters in Okanogan County. Following the courts reasoning in the Trout Unlimited case the outfitters were vested in the rules, either written or as historically applied, when they began their effort to renew their 10 year permits. The document regarding the process for obtaining permits bearing the date 2009 indicates the issuance of the permits was done under a categorical exclusion. In later documents, that are not clearly dated, it appears the rules were arbitrarily changed. It would seem you are now doing an EIS on rules you have already implemented. This violates both NEPA and the vesting doctrine as put forth in Trout Unlimited.

Response 166-6: The current outfitter-guides do not have “vested rights”. Refer to Response 166-2. The Trout Unlimited case cited (verified in a phone call to the commenter) - Trout Unlimited v. Morton, 509 F.2d 1276 (9th Cir. 1974) – contains no support for the argument that outfitters have vested rights either in the permits or in the use of a particular type of NEPA process.

These are our chief concerns with the process and the DEIS it has generated. We believe the document is fatally flawed as a result. To correct the deficiencies the DEIS should be withdrawn and a new scoping process begun. The new information gathered through scoping should be used to revise the alternatives to more accurately reflect the current program and a comprehensive breadth of program options. The new DEIS should be subjected to a new comment period.

Response 166-7: The DEIS will not be withdrawn. Issues and concerns from this letter and all other received were addressed in the FEIS.

We are asking the USFS to meet with the Okanogan Board of County Commissioners to coordinate your efforts to create a new DEIS with us. We would like to propose the following dates for a meeting with USFS personnel.

November 23, 2010 2:00 p.m.

November 30, 2010 2:00 p.m.

December 7, 2010 2:00 p.m.

We would be pleased to host the meeting at the Virginia Grainger Building in the City of Okanogan at 123 5th Ave N.

Response 166-8: The Forest Service met with the commenter on December 14, 2010.

In the interim, we ask you to do three things:

1) Respect the vested rights of the outfitters in Okanogan County and process their applications for 10 yr permits, in accordance with the standards in place upon their initial application and/or their good faith attempt to submit application without further delay.

Response 166-9: As described in Response 166-2, the outfitters have no “vested rights”. Their current permits are for one year and expire on March 31, 2012. Ten year permits cannot be issued without appropriate NEPA, which requires completing the FEIS, a record of decision and any appeals process.

2) Withdraw the draft EIS and prepare a scoping process and critical path for the EIS for discussion at our upcoming meeting.

Response 166-10: Refer to Response 166-7.

3) Provide us with copies of the unsolicited comments or other information upon which you have based the need for rule revision. We ask that you be prepared to explain the process you have used to assure the quality of the data you have used in this process.

Response 166-11: This project revises no rules and all comments on this project are part of the normal public involvement process, and available for review under the Freedom of Information Act. The Forest Service asked the commenter to clarify their request for information in a response letter dated November 19, 2010. The commenter was invited to come to the Forest Service office and review all letters in the analysis file. No clarification was provided, and the Commenter did not come to the office to review the letters.

We are confident that you agree with us that litigation is the least productive way to create public policy. Since we share the common goal of providing the best service to the public we know you will comply with our requests and welcome our involvement in the effort to make the new process as comprehensive and open as it can be.

Response 166-12: Noted.

Response to Comments from Letter #179 (Martha Hall)

The contents of the letter are included verbatim, and shown in *italics*. **Bolded** or underlined text in the original letter is shown here in regular text in order to prevent confusion with responses and make comments more readable. Responses to the comments are shown in **bold**. The original letter contains many spelling, numbering, grammatical and punctuation errors; like all other letters in this Appendix, spelling and grammatical errors are recognized with **(sic)**, but because the numbering and punctuation errors are so numerous, they are not noted. Because this letter was submitted hard copy and scanned, scanning errors are possible, although the Forest attempted to correct all of them.

Section #1

Questions about the Choice of Alternatives Also Problems with Having "Reserved Campsites"

And How to Survive with Smaller Groups

Is there really a choice of alternatives or were they constructed to make sure The Preferred Alternative would be selected?

Why was there only one alternative that would keep outfitters in business? We all know that only an alternative that keeps stock outfitters in business will be chosen. In almost no wilderness is the maximum group size 12 total heartbeats and it is unlikely that stock outfitters could stay in business with only 12. So doesn't Alt. #2 have to be chosen?

1. Why was there only one real choice?

1A. Is there really any chance that Alternative #1 will be chosen? No. So that leaves only one other choice besides the preferred one.

1B. Wasn't Alternative #3 constructed so it could not be chosen? There is no way for an outfitter to stay in business with 12 heartbeats. So why was this used as an alternative? Doesn't that leave us only one alternative, the preferred one? This is not a choice.

Response 179-1: The proposed action was developed to respond to the purpose and need, described beginning on FEIS page 1-18. Alternative 2 is very similar to the original proposed action used during public scoping. Refer to FEIS beginning on page 1-21 for specifics about the proposed action. Alternative 1, the no action alternative, is required by NEPA, and was fully analyzed in the FEIS. Alternative 3 (12 heartbeat party size) was developed to respond to public comments and concerns about the proposed action and was fully described and analyzed in the DEIS; an economic analysis for this alternative is included in Chapter 3 of the FEIS. Refer to the Alternative Development section beginning on FEIS page 2-1 for a description of the process. The range of alternatives also includes all alternatives considered but eliminated from full analysis. These are described beginning on FEIS page 2-2. Alternative 4 was added between draft and final EIS as a fully developed alternative to respond to other commenters concerns. All other wildernesses on the Forest have a 12 heartbeat party size. Only 5 pack and saddle outfitter-guides operate within three of the six wildernesses on the Forest with a 12 heartbeat party size which may indicate that the small party size affects business potential.

2. Aren't there outfitters in many areas who run successful businesses with fewer than 18 head of stock? And aren't there many group sizes to consider between the 30 heartbeats in Alt. 2 and the 12 in Alt. #3? To realize the reduced impacts of smaller group sizes, though, outfitters would not be allowed to make extra trips to supply groups. Only the stock used to pack a party in and out could be used.

Response 179-2: There are a variety of party size limitations on National Forest System lands across the country, but the current party size limitation in both the Okanogan and Wenatchee Forest Plans is 12 people and 18 head of stock in both the Pasayten and Lake Chelan-Sawtooth wilderness areas. Alternative 3 includes a forest plan amendment that would reduce to party size to a total of 12 (any combination of people and stock) consistent with all other wildernesses on the Okanogan-Wenatchee National Forest – see FEIS page 2-12. The impacts of stock use with the two party sizes are disclosed in each resource section in Chapter 3. Party sizes below 12 people and 18 head of stock above

any combination of 12 are within the range of the alternatives considered in this EIS. Refer to Alternatives Considered but Eliminated in Chapter 2.

An alternative was considered but eliminated that would have not allowed resupply trips in Alternative 3, which includes a forest plan amendment to reduce outfitter-guide party sizes to 12 heartbeats. This was eliminated from consideration because it would effectively eliminate full-service camps. Most full-service camp parties consist of 4 to 5 clients, a wrangler, and a cook. Six people riding six horses would be at the party size limitation of 12 heartbeats, and leave no room for pack stock. Prohibiting re-supply trips to bring the gear and food to camps would make these trips impossible. Full-service camps represent a large part of the pack and saddle stock outfitter-guide businesses, so no longer being able to offer them would seriously impact the viability of the businesses. This would limit access to the wilderness for many people, and not meet the minimum extent necessary for commercial services. Refer to Alternatives Considered but Eliminated in Chapter 2.

The commenter is in error concerning party size whenever the size is characterized as “30” or “30 heartbeats”. The party size limitation is 12 people and 18 head of stock. Parties cannot have more than 12 people or 18 head of stock. This is a different approach to the party size limitation that included in Alternative 3 which was developed to respond to scoping comments. Under this alternative, parties would be limited to 12 heartbeats, with any combination of people and stock. This response applies to every reference to a party size of 30 throughout this letter.

2A. Why does this DEIS assume that outfitters must have 18 horses/mules to stay in business? Where is the data and analysis that proves this? Why wasn't this issue explored more? There was almost no information or discussion of this. Isn't the number of stock that is the driving force in selection of alternatives and the ultimate decision on this EIS? True, in the past stock outfitters used a business model that was based on a party size of 30. But is this the only model that works?

Response 179-3: The party size was established in the forest plans, signed in 1989 (Okanogan) and 1990 (Wenatchee). The forest plan amendment included in Alternative 3 was suggested by people commenting on the proposed action, and helped address other concerns expressed. An alternative was considered but eliminated that would have increased the party size to 20 people and 35 head of stock (#1 on FEIS page 2-2) and another that would have reduced it to 5 people and 2 head of stock (#5 on FEIS page 2-3). The number of stock will not be the driving force in a final alternative selection. Refer to FEIS page 1-23 for a discussion about the decision framework.

Refer to Response 179-2 for information on “a party size of 30”.

It is interesting that the DEIS states that currently most stock outfitted parties consist of 8 people and 14 head of stock. (3-21)

Response 179-4: This statement is also included in the FEIS on page 3-37.

2B. Don't other wilderness areas in Washington State limit group size to 12 horse/mules and 12 people? Why wasn't 12/12 used in the third alternative? If stock were limited to 12, that would mean 8 animals to ride and 4 to pack. With outfitters as 2 of the riders, that would allow for 6 clients. An average mule can carry about 150 to 175 pounds, I'm told. That means the 4 pack animals could carry about 600 to 700 pounds, which is about 75 to 80 pounds per person. The environmental advantage of (sic)

Response 179-5: The other wilderness areas managed by the Forest Service in Washington State have a party size limitation of 12 heartbeats (any combination of people and stock). This is the same size used in the forest plan amendment included in Alternative 3 (refer to FEIS page 2-12). Twelve people and 12 head of stock are within the range of party sizes fully evaluated in the alternatives. An alternative was considered but eliminated that would have included a party size between 12 heartbeats and 12 people and 18 head of stock. Refer to Alternatives Considered but Eliminated in Chapter 2.

2C. Isn't there still another viable alternative with a party size smaller than 30? What about a group size of 10 stock and 10 people? With this one, the impacts are even less. Isn't this size more compatible with the private group size? Private stock parties often have 6 to 8 animals. Doesn't the party size of 20 better meet the two criteria that should have first priority in wilderness management, protection for wilderness resources and character? Under the Wilderness Act, isn't the primary purpose is protection of wild places? And isn't commercial use secondary to that? Sometimes it appears like this DEIS has these turned around. A party of 10 people and 10 stock could look like this: 2 guides, 5 clients, 7 horses that are ridden and 3 pack animals. If each pack animal carried 175 lbs. the 3 could carry 525 lbs. which is about 75 lbs per person.

Response 179-6: An alternative that would amend the forest plans to change the party size to 10 people and 10 head was considered but eliminated (refer to FEIS page 2-2, #21). The existing party size of 12 people and 18 head of stock was not found to produce unacceptable impacts (refer to resource sections in Chapter 3), and the reduced party size of 12 heartbeats included in Alternative 3, and the elimination of stock in Alternative 1 provided a range of environmental effects to allow comparison of the various party sizes. A party size of 10 people and 10 head of stock is within the range of alternatives analyzed.

2 D. Could people keep their personal gear to 35 lbs. and their food to 35 lbs? Why wasn't there an analysis of things like weight of necessary gear for a wilderness trip, pack animal carrying capacity, etc. instead of just assuming 18 animals are needed? I suggest that 60 to 70lbs is more than enough per person IF:

- 1: IF guides really used Leave No Trace (LNT) practices. Doesn't the DEIS claim that outfitters will be models of LNT? Mitigation measure #1(b) implies this. Most private groups do.
2. IF guides have "reserved" campsites" which outfitters have. (No private groups have these.), and IF trips are shorter. (Outfitted trips are much longer than trips taken by private groups.
4. IF clients were limited to about 30 lbs of personal gear. Many outfitters do this already, as do most none (sic)-outfitted groups.

Response 179-7: Some of the existing outfitters already limit the amount of gear each

client can bring, and the outfitters are required to stay within the party size limitations. The party size limitation dictates the amount of gear and food that can be transported with any group of people. The amount of food and personal gear needed will vary with the length, type, and season of the trip. An alternative for this was considered but eliminated was added in the FEIS. Refer to FEIS page 2-4.

The correct term for reserved campsites is "assigned sites" (see FEIS page 1-22). All usages of "reserved campsites" or "reserved camps" in the DEIS were corrected to read "assigned campsites" or "assigned sites" in the FEIS. Further comments by the commenter concerning "reserved" camps or campsites will be addressed by referencing analysis and effects of "assigned sites".

2 E A small group of 20 or 24 can be both profitable and much more appealing to clients.

Don't many people go on wilderness trips to experience solitude? Isn't this one of the key attributes of wilderness according to the Wilderness Act? How does a person find any solitude when on a trip with a party of 30?

Response 179-8: Opportunities for solitude, both existing and effects of the alternatives, are discussed in the Wilderness Section of Chapter 3, beginning on FEIS page 3-21. Party size is not 30; it is 12 people and 18 head of stock.

Today, aren't many people sensitive about damage to natural resources? Isn't it difficult to hide from clients the impact and damage caused by 18 horses/mules? Didn't the Wilderness Act envision people going into a wilderness with just the most basic things needed to survive? Yes, different kinds of client would be attracted. As people become more environmentally aware, isn't there is a niche for this kind of trip?

Response 179- 9: The effects on natural resources from pack and saddle stock outfitter-guide activities are disclosed throughout the resource sections in Chapter 3. The Wilderness Act does not speak to a vision of what people would take into the wilderness, outside of specific prohibitions on mechanized or motorized vehicles or equipment. Refer to the copy of the Wilderness Act in the Wilderness folder in the analysis file. "Niches" for people wishing smaller parties are fully within each alternative. Clients can always request a small party size.

2 F. Would these small groups cost more? Maybe but maybe not. The guide needs less food, less equipment, and fewer animals. LNT food is less expensive. Clients would be educated on wilderness travel and real LNT practices: They would learn what it is like to survive in a primitive setting. They would then not expect to eat chicken in a sauce of fresh lemon and drink canned beverages.

Response 179-10: Mitigation measures #5a and b on page 2-22 require the outfitter-guides to follow minimum-impact techniques, and instruct clients in leave-no-trace skills and ethics. A smaller group size of 12 heartbeats is fully analyzed in Alternative 3, including economics.

2G. What if the clients did have to pay a little more for a trip? Should ONF's goal in wilderness management be to keep the costs of trips low OR keep the negative impacts low?

Does the Wilderness Act say that wilderness recreation must be cheap? No. Isn't the protection of wilderness resources suppose (sic) to be the primary goal? Isn't commercial recreation secondary?

Are costs of commercially run activities on public lands always inexpensive? A stay in a lodge at Mt. Rainier or heli-skiing is beyond the budget of many Americans. The biggest users of the wilderness areas, the backpackers, look at stock outfitted trips as a major expenditure of money.

Response 179-11: The management goals for wilderness come from the Okanogan and Wenatchee Forest Plans, and are included and referenced in the FEIS beginning on FEIS page 3-21. In summary, the management goal for wilderness is to maintain unmodified pristine or primitive environments. The 2012 Needs Assessment documents the analysis of the necessity and minimum extent of commercial services that will be allowed to provide for wilderness appropriate recreation. The affordability of commercial services is not addressed in the Wilderness Act, the forest plans, or the Needs Assessment. The economic impacts of the alternatives are presented in Section 3.11 of the FEIS.

3. Do people need a lot of gear and fancy food to have a wilderness experience? Do outfitters really need a long string of 18 horses/mules to stay in business? Why didn't the DEIS explore this more? Isn't it the 18 very large animals that cause almost all of the negative impacts, not the clients? Have you considered ways to decrease the number of pack animals and size of groups? Have you considered and analyzed practices like these:

3 A. I've read that the amount an average mule or horse should be able to carry is about 150 to 200 pounds in two books. (The Backcountry Horseman's Guide to Washington, by Wolcott and Trail Riding and Pack Trips in Washington by Woodfin. Is this correct?

Response 179-12: The economics of the current party size of 12 and 18 and the impacts of reduce the party size are discussed in section 3.1 Outfitter-Guides. The impacts of the stock on the resources are discussed in each resource section in Chapter 3. Party size reductions are included in Alternative 3 and several of the alternatives considered but eliminated. One alternative considered but eliminated would limit the amount of gear allowed. Refer to Eliminated Alternatives #3, 5, 12. Commenter's statement 3A is accurate.

3B. Isn't using as few animals as possible the most basic LNT principle? Isn't it mentioned in all of the brochures the outfitter is suppose (sic) to review with clients?

Response 179-13: Leave-no-trace is a technique that encompasses all aspects of wilderness recreation. The number of animals used is not "the most basic LNT principle". Refer to Mitigation Measure 5 on FEIS page 2-22 for information on Leave-No-Trace direction for the outfitters.

3C. How much stuff has to be packed in for each client so they can experience the primitive trip

the Wilderness Act envisioned? Primitive. Free of modern conveniences. Should clients need more than 20 or 30 pounds of personal belongings on a wilderness trip? Many wilderness outfitters across America set strict limits how much personal gear clients can bring. Very lightweight fleeces and sleeping bags are used by many other wilderness users. How much shampoo, lotions, make up, etc. are necessary on a wilderness trip? If weight was limited, couldn't clients bring small size shampoos, soaps, etc. Shouldn't outfitters teach this to clients as part of their LNT education? The average backpacker carries maybe 40 or 45 pounds for a week in the wilderness. That is everything for a week: food, tent, clothes, stove, etc.

Response 179-14: Refer to Response 179-7 for information on an alternative that was considered but eliminated that would have restricted the weight of client supplies.

3D. Shouldn't use of "reserved campsites" decrease the number of stock needed? The DEIS said this, but why isn't it a requirement of having this kind of camp?

Have you considered not giving an outfitter a reserved camp unless he actually does reduce this number of stock? Isn't an incentive needed? Wouldn't this be a more meaningful Mitigation Measure than the natural colored tent that is in the DEIS?

I really support the concept of "reserved camps" IF they really did reduce the number of pack animals. I don't believe this will happen unless this is mandatory.

Reserved camps should mean outfitters can leave most of their gear at these rather than packing it in and out with each group? (Cook tents, individual tents, kitchen equipment, food staples, most outfitter's employee's personal belongings, maybe even the cook) Having a reserved camp could just mean that outfitters have more stuff at their camps and pack in more supplies that do not fit the LNT principles of wilderness camping such as canned beverages. This is what I saw.

Response 179-15: These sites are not assigned to specifically reduce stock numbers. Rather, they allow the outfitter to set up and leave a camp for an entire season, and are useful for full-service trips. Allowing them to remain in place does eliminate the need to take all supplies in and out of the camp for each trip, which reduces stock traffic on the trails, and any associated resource impacts. The environmental effects of these assigned sites are discussed specifically in the Chapter 3 on FEIS pages 3-51, 3-63, 3-71, 3-75, 3-79, 3-90, 3-156, 3-163, 3-247 through 3-255. Refer to the Index, page Index-1 for locations of additional assigned site discussions.

3E. Couldn't outfitted trips be shorter unless an outfitter can do it while keeping the number of pack animals to the minimum? Currently their trips last much longer than those of private group (DEIS page 3-21. DEIS page 3-21: "Non-outfitted groups tend to spend fewer days in wilderness compared to outfitter-guide full-service and drop camps." Isn't the only reason their trips last longer is that they use more animals? I doubt that their clients just happen to have more vacation time than people in private parties.

Response 179-16: The outfitters offer a range of trip lengths – from day rides to multiple night trips. Clients choose the number of nights, and the outfitter packs in the supplies needed for the length of trip. The statement “the only reason their trips last longer is

that they use more animals” is incorrect.

3F. Couldn't outfitters use different kinds of food and beverages that are lighter? This is very counter to LNT principles and is not what most other visitors do. I have seen outfitter's mules going into the Pasayten carrying nothing but cases of beer. Should numbers of pack animals be large so outfitters can serve canned beverages? Some outfitters use really heavy food to make their clients' meals far more extravagant. Does someone going into the wilderness even expect this?

A Seattle newspaper writer went on a trip with a MVRD outfitter last summer and wrote an article about it. He was surprised and amazed by the large and fancy meals. "Steaks, pastas, meat loaf, mashed potatoes, creamed peas, biscuits and gravy, bacon, eggs, pancakes, apple crisp, berry crisp, pork loin, vegetables" And "hooch". The large number of horses and mules on his trip also really impressed him.

Response 179-17: Outfitters are allowed to have party sizes up to the party size limitation in the Forest Plans – 12 people and 18 head of stock. Oversized party trips can be requested and granted by the district rangers if certain criteria are met (refer to Mitigation Measure 9a on FEIS page 2-24). Alternative 3 addresses this indirectly because outfitters would need to make a choice between the number of clients and the amount of gear, food and beverages to pack. The type of food and beverages offered on trips is beyond the scope of a special use permit.

3G. Aren't "less fancy" outfitted trips actually required to comply with LNT principles, the Forest Service guidelines, and the vision of the Wilderness Act? And aren't they what most clients really expect in the wilderness? All four of the LNT books and pamphlets I mention under the mitigation stress basic LNT principles that result in trips that are primitive and basic. This means things like light weight meals, no canned beverages, no unnecessary "frills".

The Forest Service manual for administration of outfitter permits (appendix) says: "The Wilderness outfitter -avoids the competitive urge to provide luxurious amenities not in keeping with the Wilderness experience." (page 1-3)

It also discusses the need for outfitters to adopt the new LNT principles: "Some outfitters have helped pioneer this new ethic, with lightweight equipment, fewer pack stock, smaller parties,and those that have had difficulty adapting are out of business or working hard to comply" (Page 1-1). The Wilderness Act vision of the wilderness experience was one that was "primitive and "free of modern luxuries".

Response 179-18: “Less fancy” trips are not required in order to comply with leave-no-trace principles. Refer to Responses 179-10 and 179-13 for Leave-No-Trace information.

The quoted phrases are not from the Forest Service manual, rather from a book entitled “Outfitter-Guide Administration Guidebook”, 1997, from the Staff of the Northern Region, USDA Forest Service. The Forest Service Handbook 2709.11 gives agency-wide guidance

in the administration of outfitter-guide permits (USDA, 2008a). While the guidebook includes information helpful in administering outfitter-guide permits, the quoted statements are not official direction.

3H. Aren't there reasons why a smaller party size might reduce costs and be more attractive to many people? The DEIS stated that cost of a trip would go up. Where is the data or analysis to support this? The limited discussion was inadequate and not convincing. With a smaller group size, wouldn't the outfitter need fewer horses/mules, fewer employees, less equipment, etc.?

Response 179-19: The discussion about the financial impact to outfitters under a smaller party size in on FEIS page 3-18. This analysis was improved in the FEIS.

Wouldn't many clients be happier in a smaller group, and wouldn't it attract many people who would never go to the wilderness in a party of 30?

Response 179-20: The group size that would make any particular person happy would cover a full spectrum of possible party sizes, and completely depend on the personality and expectations of the individual. Parties are limited to 12 people and the size of the group is usually determined by the clients.

Refer to Response 179-2 for response to "party size of 30".

Today many Americans are sensitive to environmental degradation and are upset by it and/or will not take a trip that encourages it. Eco-tourism is booming.

Response 179-21: The environmental effect of the alternatives is included in Chapter 3. There are isolated spots where damage to plants, soil, water, wildlife and fish were found, but no unacceptable environmental degradation, as suggested by the commenter.

Is a real "Wilderness experience" even possible in a party of 30? Is "solitude" possible?

Response 179-22: The effects of the alternatives on wilderness character, including solitude, are discussed in the Wilderness section of Chapter 3, beginning on FEIS page 3-21.

Refer to Response 179-2 for response to "party size of 30".

The cost in environmental degradation would be much less. Shouldn't this be THE major issue when outfitter permits are issued?

Response 179-23: Refer to Response 179-21.

Aren't wilderness values suppose to be the PRIMARY reason for wildernesses and commercial uses secondary? The Wilderness belongs to all Americans. Damaging it is damaging public property for a few. Doesn't this DEIS consistently put the interests of a few outfitters and their small number of clients before Wilderness resources?

Response 179-24: Refer to Response 179-22. The 2012 Needs Assessment identified the extent of outfitter-guide services necessary to meet the requirements of the Wilderness Act (see Appendix B).

Costs to the Forest Service, which is really the American tax payer, decreases with party size. Much of the maintenance and rehabilitation work is needed because of damage caused by large outfitted groups.

Response 179-25: The commenter's statement that smaller parties result in fewer impacts, and therefore generate less maintenance and rehabilitation work is not an accurate assumption. Unskilled, small parties can cause a substantial amount of damage in a short period of time. The stock handling skills of the pack and saddle stock outfitter-guides help minimize potential impacts from their operations. The historic activities that have caused much of the current condition in campsites are discussed beginning on FEIS page 3-32. A number of past human activities, mainly livestock grazing and recreation prior to party size limitations, resulted in the creation of large campsites. The effects of the party sizes included in the alternatives are discussed in each resource section in Chapter 3.

3i. Didn't the DEIS say the current outfitter group size was not much larger than 12 stock? Page 3-21: "The average size of an outfitted pack and saddle stock group is 8 people and 14 head of stock." Doesn't this show that outfitters can make a living with fewer than 18 animals?

Response 179-26: This is an accurate quote from the DEIS although the page 3-21 of the DEIS also states that outfitter-guides occasionally have groups with 12 people and 18 head of stock. Both the DEIS and FEIS also state that outfitter-guides do occasionally have parties up to 12 people and 18 head of stock (DEIS, page 3-21; FEIS page 3-37). These largest parties are part of the spectrum of trips offered by the outfitters. Like any business, it is the combination of all components of a business that result in the profit or loss in a business.

3J. Does a party size of 30 meet the third criteria for determining if outfitters are needed, DEIS Summary-4: "Does the activity promote solitude, or primitive and unconfined recreation?" Isn't it a real stretch to say people traveling with an outfitter in a group of 30 are experiencing solitude or unconfined recreation?

Response 179-27: Refer to Response 179-22.

4. The DEIS supported "reserved camps". Instead of just mentioning two possible advantages, why didn't it really analyze the issue and look at some of the possible negative impacts? Too often this DEIS did this.

Response 179-28: The environmental effects of the assigned sites are discussed in each resource section in Chapter 3. Refer to Response 179-15 for information on the analysis of assigned sites. There are advantages to the camps, but the camps do have isolated impacts on opportunities for solitude, plants, soil, water, fish and wildlife.

4A. The DEIS mentioned two advantages of reserved sites: Outfitters would need fewer animals and the camps would be easier to monitor. I believe there is ample data to show that neither of these benefits have actually happen in the past. And will these benefits be seen in the future without mitigation measures and incentives?

Response 179-29: Refer to Response 179-28. The FEIS does state that assigned sites can be more closely monitored (FEIS pages 1-22 and 2-27). The FEIS does not state that fewer animals would be needed because of assigned sites.

4B. Do outfitters with reserved sites use fewer horses/mules? Where is the data? During my experiences in the Pasayaten (sic), I did not notice that outfitters with permanent camps had any fewer animals than other outfitters. Is there data that shows this is true? Don't outfitters turn in reports at the end of each season that list their trips and the number of people and animals on each? And doesn't MVRD know what outfitters and which of their trips were to camps they maintained all summer? This is a perfect example of how this DEIS has made claims and reached conclusions without present (sic) any or little data to (sic)

Response 179-30: Outfitters do not use fewer stock because of assigned sites, and no where does the DEIS or FEIS make this statement. Actual use reports, which include the number of stock used on every trip, are available for review. Refer also to Response 179-15.

4C. Is the monitoring plan in the DEIS adequate to tell if outfitters are complying with permits requirements? The DEIS states, on page 2-14: a representative sample of outfitter-guide operations will be checked seasonally by wilderness rangers and/or permit administrator for compliance with terms of the permit, operating plan, and applicable laws and regulations."

This is not adequate. Every outfitter camp would have to be visited at least twice a season, both without prior notice, to be even marginally effective. If an outfitter is preparing for a planned visit from a wilderness ranger, his horses won't be down at the lake that day, nor will the poison he doesn't have permission to use be out. The food will be hung and the piles of manure will be spread out.

Response 179-31: The monitoring plan begins on FEIS page 2-26, and includes field checks of outfitter-guide operations and camps, but does not state that these would be scheduled in advance with the outfitters. In fact, the inspections are not scheduled, and outfitters do not know when a ranger may visit their camp. The frequency of monitoring will depend on staffing levels and budget, but the assigned sites would be monitored at least once per year of use, and a representative sample of non-assigned sites would be monitored frequently enough to assess the outfitter-s compliance with the terms and conditions of the permit.

Is there less money for wilderness rangers than there was 10 years ago?

Response 179-32: The amount of money available for wilderness rangers varies from year to year, but has remained somewhat steady for the past decade.

Why can't every reserved camp be visited several times a year, three or more? Isn't almost all stock outfitter use concentrated in two areas, Rimmel/Bald and Sheep/Corral? Aren't both of the reserved camps in the Rimmel area and the other two in the Sheep area? How often do wilderness rangers visit these areas each season? I have seen wilderness rangers living in the cabin at Spanish Camp which is in the middle of the Rimmel area.

Response 179-33: Monitoring and field compliance checks are performed at all camps used by outfitters, not just assigned ones. If the Forest Service limited monitoring to the assigned sites, there would be no check of the remaining non-assigned campsites used by outfitters. The monitoring plan beginning on FEIS pages 2-26 is not limited to assigned sites. Given the number of campsites and size of the permit area (nearly one million acres), every occupied campsite cannot be checked several times per year. Outfitter-guide stock use is spread across the entire permit area and not concentrated in two areas, as the commenter suggests. Refer to Appendix A in the FEIS for a list of the current campsites used by outfitters (also provided in Appendix E of the DEIS). Maps showing the campsite locations are included in the Map section, with larger scale maps in the analysis file.

The camps in and around the Rimmel area do receive more frequent inspections when a wilderness ranger is staying at the Spanish Creek administrative cabin. The number of times any one camp is visited varies from year to year with the number of wilderness rangers. Generally, there are one to three camp inspections per outfitter each year. Additional camp visits usually occur, but may not be documented if no problems are found.

4D. What does history show about compliance with permits when outfitter camps were visited fairly often?

Response 179-34: Copies of field inspection reports are included in the "Permit Administration" folder in the analysis file. Violations have been found during some inspections, but overall, camp conditions and outfitter-guide operations have been in compliance with permits. Violations are discussed with the specific outfitter on-site, with copies mailed to the outfitters within a week of the inspection if problems are found. The findings in the field inspections are discussed again during the annual performance review.

I documented dozens of violations when wilderness rangers were working the same area. Wasn't the camp on Bald Mt. set up and trashed when wilderness ranger (sic) were often staying at the nearby cabin at Spanish Camp? Are there any wilderness ranger reports that tell of the violations at the Bald Mt. camp? Was that outfitter ever seriously disciplined? If so, how?

Response 179-35: The outfitter using the Bald Mountain camp at the time the commenter visited the site had his permit revoked in 2002. The camp was assigned to a new outfitter in 2003. Since then, the Bald Mountain has been inspected 15 times between 2000 and 2011. The reports are in the analysis file.

Was any outfitter ever seriously disciplined for anything at MVRD? I even went to the agent in Enforcement and Investigation, hoping maybe he would do something. Without ever looking at my documentation he told me there wasn't enough evidence.

Response 179-36: Incidents of non-compliance with the terms and conditions of an outfitter-guide permit are addressed through notices of non-compliance and annual performance reviews. There have been approximately 10 notices of non-compliance issued in the past 10 years. All have resulted in the outfitter correcting the situation or altering operations to comply in the future. Copies of these non-compliance letters and performance reviews are in the "Permit Administration" folder in the analysis file.

4E. Couldn't "reserved campsites" encourage outfitters to haul in more stuff, stuff that takes the "primitive" out of their (sic)? The reserved campsites I saw were sometimes fancier than those of other outfitters, and private parties. Isn't it possible that reserved camps just might mean there are more alcoholic beverages, fancy chairs, real toilet seats on latrines, etc.

Response 179-37: Assigned sites sometimes have more amenities than non-assigned sites, however the amount and type of amenities are more reflective of full-service camps versus progressive or drop camps. These additional amenities, such as latrines, hitch rails, and campfire rings, concentrate use in the established spots, avoiding the need for additional ground disturbance. Supplying camp furniture is preferable to using logs to construct chairs and tables since, once removed, there is no lasting impact. These amenities and supplies help avoid degradation of the wilderness character. The amount of alcoholic beverages is irrelevant and has no impact on wilderness character.

4F. Aren't outfitters in "reserved camps" far more likely to ask for permission to use poisons AND receive permission? Is use of poison a good thing to encourage? Why is there a mitigation measure that allows outfitters to use poison? Shouldn't it be just the opposite? Reserved camps with cook tents will mean more use of poison if it is allowed.

I've noticed that outfitters with reserved camps begin to think they "own" them in a way that other outfitters and private visitors don't. They begin to think their camp is their home. Doesn't this increase their desire to use poisons? Both camps where I discovered use of poisons were permanent summer camps. They were using poison to kill mice around their big tents where all summer food was stored and cooking smells lingered.

Response 179-38: Mitigation Measure 6e from the DEIS has been revised. Mitigation measure 12e on page 2-25 of the FEIS now prohibits the use of any methods other than traps for rodent control. Rodenticides are not allowed. In 2001, the Forest Service received a letter from the EPA about possible illegal use of pesticides in the Pasayten Wilderness. The Forest Service contacted the pack and saddle stock outfitter-guides operating at that time to make it clear that if pesticides were used, it was a condition of their special use permits, and failing to use the materials in accordance with the labels would violate the terms and conditions of their permits. No further incidents of the misuse of poison occurred.

I suspect poison was also used to kill ground squirrels in the grazing area of a permanent outfitter camp I passed often on a main trail. Horses grazed a wide meadow along a stream bottom. The area was home to numerous squirrels and a pair of marsh hawks the first year I was there. The next year all the squirrels were gone, and so were the marsh hawks. The outfitter had a sense of ownership over that meadow and stream.

Response 179-39: This is speculation on the commenter's part. There is no evidence that this ever occurred, neither the decline in ground squirrel and marsh hawk populations, nor the suggestion that outfitters used poison to target these wildlife species.

Do outfitters only using a campsite once in awhile (sic) ask permission to use poison? Won't MVRD give permission for outfitters in reserved sites to use poison?

Response 179-40: Refer to Response 179-38.

4G. Aren't larger salt licks more apt to be packed into permanent camps and left for the summer? Aren't there a number of problems with salt licks?

A salt lick is VERY heavy. Do campers without permanent camps bring as many into the wilderness? At reserved camps, horses/mules are more likely to spend a good part of the summer at the camp. Doesn't this increase the chance that the outfitter will use salt licks?

There is a mitigation measure that is suppose (sic) to prevent use of salt if it attracts deer but is there a practical way to feed 18 horses/mules salt that does not attract deer?

I almost always saw a deer hanging around the permanent camps. Far more than around other campsites. They were often very tame. They did not run when I walked very close and I had a large dog with me. Some outfitters like and encourage this. It thrills their summer clients and their fall clients.

Response 179-41: Mitigation measure 12f on page 2-25 states that salt use must be approved in advance and used in such a way as to minimize wildlife attraction. The environmental effects of this on mule deer are described beginning on FEIS page 3-284.

4H. Will reserved camps be allowed to have "auxiliary camps" at their grazing areas? Will extra tents, people, and horses be left in these? I saw this happen. The outfitter sort of took over a huge area with his two "camps", the main one and the auxiliary one.

Response 179-42: Mitigation measure 1b on page 2-19 specifies that camp management plans will be developed for every assigned site. If a camp is divided into different sections, or "auxiliary camps", all sections will be considered part of the assigned site, and reflected in the camp management plan so use and impacts can be monitored.

4i. Will "reserved camps" be better located? Will their sites be away from fragile and/or important resources like wet meadows, wetlands, and sensitive plant species? It seems like this would be one of the major advantages but it is not happening. Couldn't and shouldn't locations for reserved camps be carefully chosen? Yet his (sic) is not a part of assignment of reserved camps in this DEIS. Why not? It seems like locations for these camps would be very carefully chosen to avoid grazing 18 horses/mules in areas with fragile, unique, and important resources like hummocks, wetlands, sensitive plant species, etc. but this certainly is not the case with most of the locations of the reserved camps in this DEIS. In fact it is quite the opposite. Instead they are the old camps the outfitters chose and seem to want. This is one of the great

disappointments in this DEIS. (Appendix 1-1, DEIS Appendix H-2 has information on locations of outfitter camps. I'll question camp locations extensively in a following section.

Response 179-43: All assigned sites included in the alternatives are established campsites to avoid any resource degradation associated with creating new camps. The existing conditions and environmental impact of the assigned sites are disclosed in the FEIS. Alternative 3 would prohibit outfitters from using campsites (assigned and non-assigned) within 200 feet of water or wetlands. Refer to Response 179-28.

4J. Why were sites chosen for reserved camps that violate a number of ONF Forest Plan S&G? Some of these camps violate one or more ONF Forest Plan S&G. Usually this is because of their close proximity to protected features such as wetlands, lakes, sensitive plants, important wildlife areas, etc. They even violate some of the Mitigation Measures in this DEIS. Mitigation Measure 6a) reads: Feeding and harassing of wildlife will be prohibited. Activities that may disrupt wildlife, such as camping next to active nest sites, water sources, or making excessive noise, shall be avoided " DEIS page Summary-22)

Response 179-44: Refer to Response 179-15 and 179-28. The DEIS inadvertently omitted information about the standard and guideline about camp proximity to water. This has been corrected in the FEIS by adding an amendment to the standard and guideline pertaining to camps within 200 feet of meadows, lakes, and streams. DEIS mitigation measure 6a was revised in the FEIS. Avoiding camping near active nest sites is not warranted or practical. There are numerous bird species that nest throughout the analysis area, and avoiding all active nests would be virtually impossible. In addition, most species are through the nesting cycle prior to the most active outfitter guide activities. Refer to FEIS page 2-24 for the revised mitigation measure.

5. On the proposed amendment to the ONF Forest Plan to increase the allowed barren core size to increase from the current 400 square feet:

5A. How can this DEIS claim many times that there has been regular and careful monitoring and management of outfitters when the current size of barren cores at of the newer outfitter camps violate the S&G was 400? While the DEIS tried to explain this away by saying the huge sizes were caused by former sheep and cattle grazers, isn't this really misleading since some of the camps that aren't much more than 10 years old also seriously violate the 400 sq. feet? Wasn't most of the damage in camps at Bald Mt., Beaver Creek, and Crow Lake done after the adoption of the ONF Forest Plan S&G?

Response 179-45: The large camps are a result of the incompatible standards and guidelines specifying a party size of 12 people and 18 head of stock, and limiting barren core/vegetation loss to 400 to 1,000 square feet. This is discussed in detail on FEIS page 1-18. The allowable party size has perpetuated and created camps that do not comply with the barren core standard. A history of Bald Mountain, Beaver Creek, and Crow Lake is included on FEIS pages 3-51, with additional information on 3-247 through 3-252.

The current location of the Bald Mountain camp was established by the outfitter without authorization in the early 2000s. The original Bald Mountain campsite was used for decades as an assigned site, located approximately 800 feet from the current location. The outfitter chose the current location and created the new camp without authorization. After field review of the new camp, the Forest Service authorized use of the new camp, but prohibited the use of the original location to allow it to recover to natural conditions. As a result of the 2000 Recreation Activity Review, administration of these permits has been substantially increased. The mitigation measures in this EIS will allow additional restrictions to be placed on outfitter-guide use in wilderness, particularly as they relate to use in camps.

5B. How did the DEIS come up with the figures for the increases to be allowed in the amendment for Alt. #2 and #3? Has an outfitter camp ever been monitored for good practices to find out how large of barren core is necessary?

Response 179-46: The calculations used for the amendments were included in Appendix B of the DEIS and were revised and are included in Appendix C of the FEIS, page Appendix C-1.

5C. What are the forest Plan S&G for wilderness areas in other national forests? Should this information be in this DEIS for comparison which is needed to make a decision?

Response 179-47: Forest plan standards and guidelines vary from forest to forest and are not relevant to this decision. The decision concerning the forest plan amendment will be based on environmental effects and impacts to outfitter-guides.

5D. Don't the large size of barren cores found in outfitter camps suggest that 18 horses/mules are too many? Don't they have a larger than acceptable impact at camps?

Response 179-48: The environmental effects of the camps are discussed in each resource section in Chapter 3. There are isolated impacts to resources at camp locations, but, in general, the environmental analysis found that the impacts are acceptable because their isolated nature, and infrequent occurrence on the landscape.

5E. Doesn't the smaller barren core allowed in Alt #3 suggest that fewer horses/mules would mean less damage? Isn't protection of resources the primary goal of wilderness management, not outfitters' wishes?

Response 179-49: Refer to Response 179-48. Alternative 3 was designed to reduce environmental impacts from the existing condition and is fully analyzed in Chapter 3 of the DEIS and FEIS.

5F. Before deciding how large to make barren cores, wouldn't it be a good idea to figure out how much is necessary?

Response 179-50: Refer to Response 179-46. These calculations were determined

based on what was the necessary space for the party sizes of each alternative.

5G. How much will be gained by requiring outfitters to use only the area of barren core that is allowed in this amendment? Isn't this really insignificant environmentally? How significant are the areas of camps that outfitters will have to stop using? How important is this really? Why did the DEIS so often say that reclaiming these small areas was so important? It implied that this was an example of using the non-degradation policy. Isn't it actually insignificant when compared to the reduction of impacts by lowering the number of horses/mules from 18 to 12, or 10?

Response 179-51: The environmental impacts of the forest plan amendments are included in each resource section in Chapter 3. Since Alternative 3 would reduce the party size to 12 heartbeats, the comparative analysis of Alternatives 2/4 and 3 shows the differing effects of a reduction in barren core versus a reduced party size coupled with a larger reduction in barren core. The effects analysis repeatedly states that little would be gained by further limiting use by outfitter-guides at assigned sites because the public could still use these areas and that recovery would take a long time because of the short growing season and harsh conditions.

Section #2

How Many Service Days are Needed?

How Many of the Allocated Service Days are Used?

Isn't it significant that outfitted trips have shown a steady decline in the last 11 years? Why was this not reflected in the DEIS? Instead, the DEIS claims more service days are needed.

Response 179-52: The information in the DEIS was corrected in the FEIS to better display the existing amount of service days. The DEIS used the actual number of service days in 2005 as the current condition, since the current number of recreationists overall was determined using data collected in 2005. In retrospect, this did not give an accurate picture of current outfitter-guide activities since the number of actual service days used varies year-to-year. The FEIS displays the number of service days in the current permits plus the days in the priority use pool, or 4,460, as the current number. The alternatives give a range of service days, from 2,660 to 6,700. Refer to the description on FEIS pages 3-30 and 3-109, and the alternative descriptions beginning on page 2-9.

Is there any relationship between the number of service days allotted to outfitters and how successful they are financially?

Response 179-53: This information was provided in the Recreation and Outfitter-Guide section of the DEIS. This information was revised and is now included in the Outfitter-Guide section of Chapter 3 of the FEIS, beginning on page 3-10.

1. What real data shows that more service days are needed? Don't statistics on actual service days used and actual service allocated in the last 11 years show quite the opposite? Aren't far

fewer being used than are now authorized?

Response 179-54: The number of service days used varies from year-to-year and from outfitter-to-outfitter. Actual use charts in the Outfitter-guide folder in the analysis file document actual use by each outfitter for the years 1999 through 2012. The reason for the varying number of service days in the alternatives is described in the objective sections of the alternative descriptions (refer to pages 2-2, 2-6, and 2-9). The effects of these varying levels on the outfitter-guides was described in the Recreation and Outfitter-Guide section of Chapter 3 of the DEIS. This information was revised and is discussed in the Outfitter-Guide section of the FEIS beginning on page 3-10. Additional information is provided in the Needs Assessment in Appendix B of the FEIS.

Here are the figures from the DEIS and "Needs Assessment" used for the DEIS.

1A. The DEIS says: Alt. #2 allows a maximum of 4,620 actual Priority use service days. (DEIS Summary-13)

1B. The DEIS says: current service days are 4,083.

1C. The "Needs Assessment" says:

	<i>Number of days actually used</i>	<i>Number of days Authorized</i>
1999	1433	1602
2000	1610	1813
2001	1580	1945
2002	1677	2059
2003	929	1746
2004	1316	1888
2005	842	1532
2006	899	1635
2007	1018	1665
2008	1123	1911
2009	760	1296

Average days actually used in last 11 years: 1199

Average days allocated in last 11 years: 1736

The 4620 allocated in Alt. #2 is:

A 385 % increase in the average number of days actually used

A 260 % increase in the average number of days allocated

Response 179-55: The numbers shown above (except the percentage calculations) are taken from the 2010 Needs Assessment, specifically for the Pasayten Wilderness. The 4,620 service days is the total number of service days in Alternative 2, and includes service days in all sections of the permit areas. Figure 2-1 on FEIS page 2-3 shows that 2,000 service days would be authorized for the Pasayten Wilderness. The current number of service days for the Pasayten is 1,800, so Alternative 2 actually includes an 11% increase. Refer to Figure B-4 of the 2012 Needs Assessment, on page Appendix B-9, and to pages 2-13 and 2-16 of the FEIS to see how the number of service days in the Pasayten was allocated in Alternatives 3 and 4.

2. A lot of reasons were given for why the number of service days must be increased, but where is the supporting data?

Response 179-56: The 2012 Needs Assessment includes a minimum extent determination. The 2010 Needs Assessment was revised in light of comments received on the DEIS, including the letter from this commenter, to better display the existing amount of commercial services, and the method used to determine the minimum extent necessary. The 2010 Needs Assessment based the determination on past use and business viability. The 2012 assessment acknowledged that the minimum extent necessary is not a number that can be precisely calculated. It used past use levels and population demographic changes that will affect the minimum extent necessary to determine a range of service days necessary to meet the intent of the Wilderness Act. The current number of service days in the Pasayten, 1,800, falls within the range of the minimum extent of commercial services determined in the assessment: 1,730 to 2,170. Refer to the Needs Assessment, 2012 for full analysis and determination.

2A. Claim: As more people age in our state there will be more people who need stock outfitters to take them into wilderness areas. True, people in Washington are aging. According to the figures in the Washington State study used when making this claim: The number of people from 50 to 65 years old will increase 35%. The number of people 66 years old and older will increase 133%. How many of this large number of people 66 and older will really want to ride a horse 20 some miles into the Pasayten with a stock outfitter?

Response 179-57: The 2012 Needs Assessment uses demographic information in the minimum extent necessary determination. The discussion begins on page Appendix B-39 (Appendix B. 2012 Needs Assessment) and states that only a small percentage of people over 50 years old actually take trips into the wilderness, but it is safe to assume that the actual number of people in that age class that do so could increase at a rate that matches the rates of increase in the general population.

2B. Claim: People who have small children will need stock outfitters to take their families into the wilderness. According to local Forest Service ranger districts, there has been a small increase in the number of visitors 19 and below, an 8.2% increase. True, some people with small children, people who might also want to go to a wilderness area, who also might want to take their small children on a horse into the wilderness with an outfitter, and if they have enough money, they might. Will there be a 385% increase in the number of these people?

Response 179-58: The commenter is mistaken in the reference to the 2010 Needs Assessment statements about children (also included in the 2012 Needs Assessment). The document does not say that people with small children will need stock outfitters to take families into wilderness. The Needs Assessment was an assessment of need and minimum extent necessary determination for all outfitter-guide activities in wilderness, including pack and saddle and hiking/backpacking. The document stated that a small increase in the number of service days available for hiking/backpacking could help increase the number of young people in the woods (refer to 2010 Needs Assessment page 12). The revised 2012 Needs Assessment expanded this analysis slightly by pointing out that since backpacking outfitter-guides target most of their services towards young people, an

increase in days could increase the number of young people in wilderness (refer to 2012 Needs Assessment page Appendix B-41). Hiking/backpacking outfitter-guide activities are outside scope of the analysis and decision for the Pack and Saddle Stock Outfitter-Guide Permit Issuance EIS. The 385% increase stated by the commenter matches her calculations in the statement preceding Response 179-55. As explained in Response 179-55, this calculation is inaccurate.

2C. Claim: It was fires or the poor economy that made the stock outfitter use figures fall. How much do we really know about these? The 30 Mile Fire did impact stock outfitters. Was that 2002?

Response 179-59: The DEIS did not claim that fires or the poor economy reduced stock outfitter use. The FEIS (page 3-11) states that the actual use service days has decreased in the past five years and that several factors are possibly contributing to this, including a decreased popularity of the activity, wildfires, and the downturn in the economy (emphasis added). The Thirtymile Fire burned in 2001. The actual use charts in the Outfitter-Guide folder in the analysis file shows the amount of use for each outfitter in 2001. Some saw a decrease in use. The 2012 Needs Assessment discusses some possible reasons for the decline in actually used service days beginning on page Appendix B-12.

Were the Farewell and Tatoosh Fires in the areas they mostly use? Is there actual data on what happened to customers these years?

Response 179- 60: The Farewell Fire burned the Lake Creek, Andrews Creek, and a portion of the Chewuch drainages in 2003, and the Tatoosh Fire burned Tatoosh Buttes, Hidden Lakes, and north into Canada in 2006; both of these fires occurred in areas used by the pack and saddle stock outfitter-guides. Refer to Figure 6 on page 11 of the 2012 Needs Assessment for actual use data for 2003 and 2006. Detailed use data for each outfitter is in the Actual Use chart in the Outfitter-Guide folder in the analysis file.

2D. Claim: Two outfitters stopped in mid-2000s. Another sold his business in the mid 2000s and the person who took his use days took fewer for several years. Another took non-use days in 2009. How much do we know about any of these things? Unfortunately this claim is so vague and failed to give the important data needed to try to pick out the impacts of these changes. Why didn't it include information on the number of use days these specific outfitters had, etc. ?

Response 179-61: The commenter is referring to a paragraph on page 8 of the 2010 Needs Assessment (included in the 2012 Needs Assessment, refer to FEIS page Appendix B-12) where there is a discussion about how the number of outfitters, and how the amount of use by specific outfitters has led to a decrease in actually used service days. This is part of the larger discussion about factors that have contributed to a decline in service days. Specific numbers of actual use by outfitter are in the Actual Use chart in the Outfitter-Guide folder in the analysis file. Outfitter by outfitter information is not necessary for the Needs Assessment, although that information is incorporated by reference.

2E. Claim: People who live farther away from these wilderness areas but visit, are more likely to require an outfitter. And there will be an increase in population of some areas a distance away from these wildernesses. So there will be an increase in the number of people who want to ride a horse into these wildernesses with an outfitter. How is this one explained?

Response 179-62: The commenter is referring to information on page 13 of the 2010 Needs Assessment. The commenter is correct that the assumption that people who live far away from the analysis area are more likely to need an outfitter-guide was weak. Therefore, it was deleted from the 2012 Needs Assessment.

2E. Claim: Taking a trip into these wildernesses is very popular. This is demonstrated by demand. How is this one explained?

Response 179-63: The 2012 Needs Assessment and FEIS include specific information concerning the number of people visiting the wilderness each year and the current number of service days. Wilderness trips are considered a popular activity since there are approximately 55,300 visitor days divided between the Pasayten and Lake Chelan-Sawtooth wilderness areas each year (refer to Figure 3.2-2 on FEIS page 3-38 and Figure 3.2-4 on FEIS page 3-40).

6. Over and over again the DEIS said there is a minimum number of service days needed for stock outfitters to stay in business. What is it? Shouldn't more work be done to get data on this since it seems to be a driving force?

Response 179-64: Refer to Response 179-53. The revisions to the Needs Assessment did not base recommendations on the amount of service days needed for the outfitters to stay in business, rather used past use, demographic information, wilderness capacity, and anticipated changes in future recreation use to determine a range of service days needed to provide the minimum extent necessary.. Refer to 2012 Needs Assessment beginning on page Appendix B-1 for a description of how the need was calculated.

6A. Will increasing the number of service days, as Alt. #2 does, keep outfitters in business? A look at numbers for the last 11 years shows that it was not because of limited service days that business was down. Will more service days mean more business? The outfitters have stayed in business working an average of 1,199 days in the last 11 years. A buyer was found for one in the mid 2000s. Why wasn't there data in the DEIS to help figure this out? How many trips actually fill up? Is there usually a waiting list? How many people are in each party?

Response 179-65: The effect of Alternative 2 on the outfitter-guides is discussed on FEIS page 3-17. A discussion of some of the factors contributing to the reduction in actual use in the wilderness is included in the 2012 Needs Assessment beginning on FEIS page Appendix B-12. The commenter is mistaken in the statement that the average number of service days has been 1,199 in the last 11 years. This may have been calculated using data from the 2010 Needs Assessment, but the outfitter-guide use in the wilderness is only a portion of their total permit area. The permit areas are divided into five sub-areas, and the existing use and changes associated with each alternative are discussed in the Wilderness and Recreation sections of Chapter 3 of the FEIS. Information concerning the

number of trips and number of people in each party is available in the final use reports submitted annually by each outfitter, and filed in the permit folders at the Methow Valley and Chelan Ranger District offices.

6B. The DEIS says: "The average size of an outfitted pack and saddle stock group is 8 people and 14 head of stock." (3-21). They are allowed to have 12 people and 18 head of stock so party size maximums are not hurting their business.

Response 179-66: Nowhere does the analysis or documents suggest that the businesses are being hurt by the 12 and 18 party size limitation.

7. This DEIS makes a lot of statements, but where are the facts and the analysis? Are these true and where is the data?

" the number of pack and saddle stock outfitter-guides and the number of service days has been relatively steady for the past twenty to thirty years. Ownership of some of the companies has changed, and two are currently not operating. The amount of actual use varies from year to year but has been relatively steady for the past twenty to thirty years." (DEIS 3-89)

Response 179-67: The supporting information for this in the Outfitter-Guide folder in the analysis file. Some of this information has been summarized in the 2012 Needs Assessment in Appendix B.

" ... Approximately 11% of the pack and saddle stock users in the Pasayten Wilderness have been outfitted annually, over the past 10 years.....This is the minimum extent necessary for these commercial services. This number is at or very near the minimum number required for businesses to stay in operation. If the level was reduced there is a high likelihood that some businesses would fail " (DEIS 1-17)

Response 179-68: This information was revised in the FEIS. Refer to the 2012 Needs Assessment, FEIS page Appendix B-35 for the beginning of the Minimum Extent Necessary discussion.

8. There are several times when data was given and used for such things as number of visitor day (sic), the % that is outfitted, etc. Some very important ones are confusing. Where did all of these numbers come from?

Response 179-69: The sources of the visitor day and service day (Total Recreation Use Levels) numbers have been clarified in the FEIS and are disclosed on pages 3-30 and 3-109.

8A. In the chart comparing different alternatives, Summary-25, the claim was made that stock outfitters only made up 2% of visitor days. This was based on the number of visitors to the whole ONF, 221, 922.

8B. Isn't this very misleading and the wrong figure to use? Stock outfitters only work in the

wilderness, so shouldn't the number be that of total wilderness visitors.

	Existing Condition	Alternative #2
Total outfitter	4,083	4,620 Service days
Total number	221,922	222,429 Visitor Days (outfitted and private)
% of total visitor	2%	2% days that are stock outfitted
Total stock	45,956	46,473 Visitor days
Percent of pack and saddle	9%	10% Days outfitted

Response 179-70: Only a portion of the outfitter-guide activities are in wilderness. Refer to Response 179-55. Also refer to FEIS beginning on page 1-2 for a description of the analysis area. The Recreation section of Chapter 3, beginning on FEIS page 3-107 describes the outfitter-guide activities in the non-wilderness portions of the analysis area.

8B. Shouldn't the figures used on page 3-33 given below somehow relate to the above data? But how? Where did these figures come from?

	Existing/currently			Under Alternative 2		
	Total visitor days	outfitter days	% of total outfitters	Total visitor	outfitted days	% total outfitters
Hikers	36,820	0%	0%	36,820	0%	0%
Pack and Stock People	15,780	842	5%	16,938	2,000	12%
Totals	52,600	842	2%	53,758	2000	4%

Response 179-71: This information is from Figure 3.1-7 from DEIS page 3-33, and shows the current number of Pasayten Wilderness users by user group, in addition to the number that would occur with each alternative. Data sources were identified in the DEIS on pages 3-16 to 3-18. Some of this data was revised between Draft and Final, and the updated information is included in the FEIS on page 3-30. FEIS Figure 3.2-2 shows the updated information. The sources of the numbers in this table are disclosed on FEIS page 3-30 under Service Days and Total Recreation Use Levels, and from the alternative descriptions on FEIS pages 2-9, 2-12 and 2-15. The current use numbers in the DEIS were revised in the FEIS to more accurately reflect current number of service days and total recreation use. Refer to Response 179-52.

8C. On page 3-55, these figures also seem related. But where did they come from? Do they relate to any of the data in 7A or/and 7B?

Current non-outfitted Visitor days	Estimated number in 2020
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Hikers	33,670	plus 15%	38,721
All stock And saddle users	14,938	plus 5%	15,684

Response 179-72: The commenter is referring to a figure in the DEIS showing the projected increase in use in the Pasayten Wilderness. This information was updated in the FEIS using revised visitor use information. Figure 3.2-22 on FEIS page 3-84 shows the current number of non-outfitted visitor days, and the projected number in 2023. The source for the current number is from Figure 3.2-2 on FEIS page 3-38, under Alternative 1. The source for the projected increase is described on FEIS page 3-31 under Future Estimates of Recreation Use Levels.

9. The discussion of the number of service days needed was hard to follow.

9A. That does these mean (*sic*) and is their supporting data?

"Establish a number of service days that will follow handbook direction and sustain the highest amount of used service days over the past five years and create a pool of days that will give an opportunity for pack and saddle stock outfitter-guides businesses to develop a modest amount of growth (25%)."

"Provide enough service days in the Pasayten and Lake Chelan-Sawtooth wildernesses to meet the minimum extent necessary to provide commercial services for wilderness appropriate activities."

Response 179-73: These statements are part of the clearly stated objectives for Alternative 2, listed on FEIS page 2-9. Alternative 2 is based on the proposed action (FEIS page 1-21) that was developed to respond to the purpose and need (FEIS page 1-18).

9B. Exactly how was the rise of 25% chosen? How exactly do all of the figures for projected "guesses" of increases in other recreational activities such as hiking and nature watching apply to need for stock outfitters? Does the number of these people increase at the same rate as increases in other recreational activities? What data supports this?

Response 179-74: The 25% increase is from Forest Service Handbook 2709.11, Chapter 40 (USDA 2008 a) giving direction on outfitter-guide permits. The handbook establishes the process used to determine the number of service days in permits. The process is to take the highest amount of actual use in the past five years, and increase that number by 25%. Refer to the handbook for more detail.

The 25% is not connected to the estimated increases in future recreation, discussed beginning on FEIS pages 3-9, 3-84 through 3-88, 3-109, 3-118 through 3-120, 3-126 through 3-128, 3-134 through 3-136, 3-139 through 3-141, and 3-146 through 3-149. Refer to these pages for information on the varying projected rates of recreation activities.

9C. Why was there little information in this DEIS about what kind of people take stock outfitted trips? Doesn't the Forest Service need some of this information for planning, such as for this DEIS? Isn't this kind of data help in determining if there may be more demand because Americans are aging? Are the clients people with young children? Senior citizens? What is the basis for the need for a 25%.

Response 179-75: The 2010 Needs Assessment was revised, and information about the ages of pack and saddle stock clients was added. Figure B-23 on FEIS page Appendix B-39 (2012 Needs Assessment) shows the age class spread. As shown there, approximately 73% of pack and saddle stock outfitter-guide clients are 50 years old or older. The basis for the 25% increase is explained in Response 179-74.

9D. Has the number of people taking stock outfitter trips increased at the same rate in the last two or three years as participation in other activities? How many people have taken stock outfitted trips in the Pasayten and Sawtooth in the last five years?

Response 179-76: The number of actual use service days in the Pasayten is shown in Figure 3.2-2 on FEIS page 3-38 and in Figure B-4 on FEIS page Appendix B-9. The number in the Lake Chelan-Sawtooth is in Figure 3.2-4 on FEIS page 3-40 and in Figure B-5 on FEIS page Appendix B-9. The Forest Service does not have data specific to the amount of participation in other recreation activities for the last two or three years. The most current information about recreation use is from a combination of the National Visitor Use Monitoring reports and trailhead registrations, as described on FEIS pages 3-3-30 and 3-109.

9E. How do the figures on the aging of the American population relate to the number of people who will want to take stock outfitted trips in the future? In calculations in this DEIS, isn't it assumed that interest in outfitter trips will increase at the same rate as interest in other activities? What data supports this? Client homes and numbers of aging Americans who have taken stock outfitted trips over the last 5 years would be helpful in these calculations.

Response 179-77: Refer to Response 179-75 for information about the age of pack and saddle stock outfitter-guide clients, and to Response 179-74 for information about estimates of future participation.

9F. Could it be that there is a much larger increase in the number of Americans choosing to go on things like cruise ships or buying boats to cruise Puget Sound or going to Arizona for the winter than a increases in the number who want to go the Pasayten or Chelan-Sawtooth on horses?

Response 179-78: The estimate of future participation came from the publication "Estimates of Future Participation in Outdoor Recreation in Washington State" (Interagency Committee for Outdoor Recreation 2003). Estimate of increases in other types of recreation are included in this publication, but these are irrelevant to this analysis or decision.

9G. Don't we need the figures for the age of stock outfitted clients over the last 5 years to predict

future demand?

Response 179-79: Refer to Response 179-74.

10. Isn't the data in this study quite different than data used in this DEIS and doesn't it suggest that the "need" for outfitter trips may not be increasing at all?

Response 179-80: The same data was used in the 2010 Needs Assessment and DEIS. The revised data was used in the 2012 Needs Assessment and FEIS. The current use and estimated future use information is the same in the Needs Assessment and the Wilderness section of Chapter 3.

10A. Didn't the study data show low client numbers and a decrease in clients and a downward trend? This is especially true of the Pasayten? In 2005 there actually was a small increase in the Chelan-Sawtooth over the Pasayten.

Response 179-81: Figures B-8 on FEIS page Appendix B-12 and B-10 on Appendix B-14 display the actual use numbers. Trends are discussed following each figure.

10B. Using the data in the study, why does Alt. #2 propose almost double the actual use in 2009? Why is this needed?

Response 179-82: The service days in Alternative 2 were developed following direction in Forest Service Handbook 2709.11, Chapter 40. The number of service days in each permit was updated after the Handbook was published in 2008, using the highest use in the prior 5 years (2005 to 2009) for each current outfitter, plus the 25% to allow for growth. Refer to Response 179-72.

10C. Did the calculated number of service days in the study already include growth allowances? If so, why was an additional 25% used in the DEIS?

Response 179-83: Refer to Response 179-74 and Response 179-82.

10D. If the DEIS used the number of service days in a 2005 survey, why is the proposed number in Alt. #2 is much higher than the highest number in the past 5 years?

Response 179-84: The 2005 survey data was used to estimate the total number of recreationists. Refer to FEIS page 3-30. Refer to responses 179-74 and 179-82 for information on how the number of service days in Alternative 2 was calculated.

There seems to be still more confusion in figures for more things, the number of service, number of visitors, etc. Can these be explained?

- 1. The Needs Assessment says the combined number of service days is about 8% of overall use in the Pasayten and 4% in the Chelan-Sawtooth (page 5) while Fig. 1 shows the combined number as 7% and 1%.*
- 2. How was the minimum determined to be 12% of pack and saddle stock users? Was the existing number and then increased by 2000 in 2020? How was this calculated?*

Response 179-85: The 2010 Needs Assessment was revised in response to comments received on the DEIS. The 2012 Needs Assessment clarifies and corrects the 2010 document, showing how the minimum extent necessary determination was made. Refer to Extent of Commercial Services Necessary and Allocation of Use section beginning on FEIS page Appendix B-35.

Were service days in 2005 used?

Response 179-86: Service days from 2005 were used in the 2010 Needs Assessment and the DEIS for comparative purposes, as described on 2010 Needs Assessment page 6, and in the DEIS on pages 3-17 and 3-61. This approach was changed in the 2012 Needs Assessment and FEIS. Refer to Response 179-52 for details.

Was the 15,780 taken then multiplied by 12% and rounded and multiplied again? In calculating hiking/backpacking days, was the same factor used?

Response 179-87: 15,780 was the estimate used in the DEIS as the number of pack and saddle stock users in the Pasayten, as shown in Figure 1 of the 2010 Needs Assessment. This estimate was updated in the FEIS to 5,610 based on the 2005 Visitor Use Report (USDA 2012), and is shown in FEIS Figure 3.2-2 on FEIS page 3-38 and Figure 3.2-4 on page 3-40, in addition to Figures B-4 and B-6. These figures also display the number of hiker/backpackers. These numbers were used to calculate estimates of future recreation use, but not as the commenter suggests. Refer to the Response 179-74 for information on estimates of future recreation use.

3. Didn't the survey report 5% stock users were outfitted? Didn't the DEIS use 12%?

Response 179-88: The estimated future increase of stock users is 5% (refer to figures listed in Response 179-87), but did not come from a survey. Refer to Response 179-74 for more information. Figure 3.1-7 on DEIS page 3-33 shows that 12% of stock users would be outfitted under Alternative 2. This percentage was corrected to 34% in the FEIS in Figure 3.2-12 on page 3-55.

4. How do the following numbers relate to anything above? These are the numbers of wilderness users collected at the self-registration stations at trailheads:

*Hiker 5576, and if doubled as DEIS says is needed, 10 152.
Stock people 909, and if doubled as DEIS says is needed, 1,818.
Total people, hiker and stock 6485, and if doubled, 11,970.*

5. These are the figures from the Visitor Monitoring, National Forests 2003;

*Total visitors 25, 613
Day-559
General 16,822
Overnight 6,128*

Response 179-89: The analysis used the best information available to estimate use levels. Estimates of total wilderness recreation use were taken from the 2005 visitor use monitoring report, as described on FEIS pages 3-30. Use estimates for the other parts of the analysis area were from the 2001 visitor use monitoring report and through trailhead registrations and visitor counts in the Sawtooth Backcountry. Refer to FEIS page 3-109. Information from trailhead registrations was used to validate the 2005 data, and to estimate the breakdown of hikers versus stock users in wilderness. This is discussed on FEIS pages 3-30 and 3-31.

What do all of these numbers mean? Do you really know how many people visit these wildernesses, how many outfitter days, the percents (sic), etc.?

Response 179-90: These numbers are used throughout the analysis to determine the environmental effects of the alternatives. Refer to each resource section in Chapter 3 for information. Refer to Response 179-89 for information on visitor use levels in wilderness, and to Response 179-54 for the source of information concerning service days.

Exactly how did you get the different statistics on number of visitors to the Pasayten and Chelan-Sawtooth, percent that are hikers, stock outfitted, etc.? I can't figure this out.

Response 179-91: Refer to Response 179-89 for information on visitor use levels, and to Response 179-54 for the source of information concerning service days.

These are all sources of data that I have received through FOIA requests pertaining to these statistics: numbers of stock and hiker days counted at different trailheads in 2002/2003, the data in the National Visitor Use Monitoring Study, and the data in the Burns Study. Are there other sources of data used? The DEIS said that one source of data was from self-registrations at trailheads.

According to this, there were 6,485 visitor days in the Pasayten that year. Why is this number so different from that in other studies?

- 1. Was this information used anywhere in the DEIS? If so, where?*
- 2. Isn't all of this data rather meaningless because the DEIS said the number of parties that actually self register is about 50% of those who actually visit. But wouldn't simply doubling these numbers provide valid data?*

Response 179-92: Refer to Response 179-89 for information on visitor use levels. Trailhead registration information was used in estimating use in the Sawtooth Backcountry, and to validate the revised 2005 NVUM data, and to estimate the proportion of hikers to stock users. Details about annual and average use totals determined with registration permits, factoring in estimated non-compliance rates are in the analysis file. Also refer to FEIS page 3-30 for discussion of use of registration information. The commenter references the "Burns Study", which is a report by Burns et al, titled the 2009

Wilderness Use Study. It is referred to as the “2009 Wilderness Use Study” in the FEIS.

2A. *Can it be assumed that statistics for the unknown groups that didn't self-register would be the same as double these dates, party size, number of stock, and trailhead location? I don't think this can be assumed. In fact, I think there probably is a BIG difference between parties who register and those who don't.*

2B. *It is obvious in these statistics for instance that stock parties register far less than hiking parties. Do we know the % of this difference?*

Response 179-93: As discussed in Responses 179-89 and 179-92, trailhead registrations were used to validate the revised 2005 NVUM data, and estimate the percentage hiking and using stock. Refer to FEIS page 3-30 and 3-37. Determinations of non-compliance were made using actual field data, as described in the registration permit information in the analysis file.

3. *Why weren't any stock outfitters counted and included in these numbers, neither by date or trailhead? Aren't these absolutely necessary before this data can be used for anything? Without this data on outfitters too, isn't it useless for figuring numbers of encounters, use per day, or anything else?*

There obviously were no party sizes of stock groups that could be outfitted parties because all stock group numbers were small. Were there no stock outfitters at any of these trailheads during the season? Or were stock outfitters simply not counted and included in the study? Interestingly, several hiker outfitted groups were included.

Response 179-94: Outfitter-guide clients are included in the total estimated use levels used throughout the analysis. Refer to Figure 3.2-2 on FEIS page 3-38 and Figure 3.2-4 on page 3-40.

4. *How can these figures for number of hikers versus number of stock users make sense when we know something about these trailheads? For instance, in the Pasayten: (Does it mean that A LOT fewer horse parties register than hikers?)*

At Andrews Creek Trailhead where we all know stock outfitter and stock user is very high and number of hikers is low:

9 hiking groups

4 groups using stock

At Billygoat another trailhead popular with stock outfitters and private horse groups:

99 hiking groups

73 groups using stock

At 30 Mile Trailhead, which is not an easy one for hikers to use:

30 hiking groups

6 groups using stock

At the PCT, which has a lot of day use and overnight hikers but some stock use too:

324 hiking groups

22 groups using stock users

At Irongate, which has stock and hiker use:

124 hiking groups
22 groups using horses

Response 179-95: As stated on FEIS page 3-37 and 3-40, the breakdown of hikers and stock users was developed with trailhead registrations, wilderness permits, and professional judgment. The number of service days used each year by the pack and saddle stock outfitter-guides is reported in their final use reports.

4A. If the % of hikers versus stock users that self-register is this different, did the DEIS adjust its figures to accommodate this difference? What number is used for guessing the number of horse group that did not register and the number of hiking groups that did not register? Did the DEIS simply double both as it said?

Response 179-96: Refer to Response 179-95. The DEIS stated an assumption that only 50% of parties register (DEIS page 3-25), but the data was updated with more accurate information for the FEIS. Refer to Responses 179-89 and 179-92.

4B. The data on group size of hiking groups looks like it might be of some use. Was this data on the size of hiking groups used in the DEIS? It might be important when evaluating encounter data and impact of groups of 30 on wilderness character. Hiking groups are usually about 2 people, and it is not unusual to have a group of 1. What is the impact of a stock outfitter group of 25 to 30 on a group of 2 hiking?

Response 179-97: The encounter analysis is included in the FEIS beginning on page 3-41. The full analysis, including specific trailhead information is in the Wilderness Report in the Wilderness folder in the analysis file. The impact of these encounters on opportunities for solitude is part of the analysis. The Forest Plan standard and guideline relates to the number of parties encountered and number of people in each group is not relevant to that standard.

4C. This data on size of private horse groups looks useful. Was this data used?
Stock groups out of the trailhead having the most stock users, Billygoat Trailhead, almost always had just 2 or 3 people.

Here are the figures:

- Parties of 1-1
- Parties of 2 -13
- Parties of 3 -6
- Parties of 4 -1
- Parties of 5 -2
- Parties of 6 -1
- Parties of 7 -0
- Parties of 8 -1

4D. There might be some useful information on length of trips. Using the figures from the Billygoat Trailhead again since it has the most numbers for stock use, private stock parties averaged trips of about 5 days.

Response 179-98: Refer to Response 179-97 for information about the encounter

analysis. Refer to FEIS page 3-41 for an explanation of how the encounter analysis was conducted.

4G. When I added up the total number of people visitor days, both hikers and stock users, and number of stock visiting days, this is what it showed.

These are the numbers for people who did self-register:

Total hiker visitor days -5576

Total people using stock people visitor days -909

Total stock days (just the animal days. not the people) -1320

Total days of people using stock PLUS total hiker days -6485 people visitor days)

Total days of stock days (animals only) -1320 stock days

Total visitor days of stock people PLUS their stock days PLUS hiker days -7805

Total days for people using stock is (sic) 14% of total people visitor days.

Total days for hikers is 86% of total of all people visiting days

Total days for people using stock AND their stock's day is 28% of total use

(This is the total of stock people and their stock which is 2229)

Total visiting days of hikers is 71 % of total visitor days of all people and all stock

(This is number of hiker days compared to total days of stock people and their stock)

Response 179-99: The commenter's calculations support the estimate used in the DEIS and FEIS for the Pasayten Wilderness, that 70% of visitor days are hikers, and 30% are stock users. Refer to FEIS page 3-37.

4H. Aren't there some very good reasons to include the number of days horses/mules spend in the wilderness too? Aren't they making quite an impact, maybe more than people? Isn't an encounters (sic) with a horse/mule at least as significant as one with a person? Doesn't an encounter with a horse/mule impact wilderness character as much as an encounter with a person?

Response 179-100: The encounters analysis included all users – hiker and stock user, and are calculated by groups, regardless of size, and not individual people or stock, based on the Forest Plan standard and guideline. Refer to Response 179-97.

Costs of Having Outfitters in the Wilderness

When discussing need, isn't it also important to analyze the costs of having stock outfitters? How much is being spent on management of their permits, repairing and maintaining wilderness trails? What is the cost to the natural resources and wilderness character?

Response 179-101: The amount being spent on administering permits is not relevant to this analysis or decision. Administration of outfitter-guide permits is a necessary part of the special use permit program. The environmental effects of the current pack and saddle stock outfitter-guide activities, and that of the alternatives analyzed in detail, and

disclosed in Chapter 3 of the FEIS.

Often the DEIS recognized that there were costs, but they were small and localized.

Response 179-102: The DEIS/FEIS does not discuss costs. The commenter may be referring to the environmental effects disclosed throughout Chapter 3, which tend to be small and localized.

Stock outfitters make up only a small % of the visitors but is their impact only a small % of all impacts?

Response 179-103: Refer to FEIS page 3-27, under Analysis Method for an explanation of how the analysis addresses impact from outfitted and non-outfitted recreationists. Chapter 3 analyzes the effects of each of the alternatives on resources.

Why was there no analysis of what stock outfitters and their clients cost the American tax payer? Do their permit and grazing fees cover all of the extra costs or are they picked up by the American taxpayer?

Response 179-104: Refer to Response 179-101.

1. *Do outfitters' fees and grazing fees cover the costs?*

Response 179-105: A portion of the outfitter-guide permit fees are returned to the ranger districts for use in permit administration, trail maintenance, or other tasks associated with outfitter-guide activities. These fees do not cover the entire cost of permit administration or trail maintenance.

2. *What is the cost of the extra maintenance and rehab work that must be required because of their constant and heavy use with 18 animals all summer?*

Response 179-106: Refer to Response 179-25.

3. *The DEIS inferred that ONF has nothing to say about the fees or what happens to the money. Is this true?*

Response 179-107: Special use permit fees are discussed under Eliminated Issues, on FEIS page 1-29. Fees are set by the Forest Service Handbook, and cannot be altered. The FEIS makes no statements concerning how permit fees are used or distributed because it is irrelevant to this decision or analysis.

4. *Are outfitter fees pay for their share of money spent in the last 10 years to repair, maintain, monitor, and study trails and camps in the Rimmel Area?*

Response 179-108: The Rimmel Lake area in the Pasayten Wilderness is a popular destination for outfitted and non-outfitted stock users. Campsite monitoring, trail

maintenance, and trail management have been funded through appropriated funding, grants, recreation fees, and volunteer labor.

Expensive work was done on the Andrews Creek trail around 2000. Outfitters with their 18 animals use that trail hard all summer and fall. The DEIS has a section on work completed and planned for areas where outfitter use is the highest, esp. Remmel Lake. What kinds of grants and other money were obtained for this work? How much has it cost so far? How much money has been spent on the camp at Bald Mt.? Is an outfitter paying any of this cost and/or doing the work?

Response 179-109: Refer to Response 179-108. The amount of money spent and the funding source for work in the Remmel Lake area is irrelevant to this analysis and decision. The outfitter-guide assigned to the Bald Mountain camp works with the Forest Service to maintain and improve the resource conditions in and around the camp. The amount that has been spent over the years at Bald Mountain has not been recorded or tallied, and is irrelevant to this analysis.

5. What is the cost in impacts to other users for the loss of "wilderness character" such as solitude? The DEIS recognized that they had an impact, small, but an impact.

Response 179-110: The effects (costs) to wilderness character, including opportunities for solitude and disclosed in the Wilderness section of Chapter 3, beginning on FEIS page 3-21.

6. What is the cost in loss of natural resources like wetlands, water pollution, hummocks, etc.? Again, the DEIS recognized this.

Response 179-111: The effects (costs) to wetlands are discussed beginning on page 3-242, hummocks on page 3-241, and water quality on page 3-168.

7. Was so much money spent on fighting the 30 Mile Fire in the Pasayten? This was partly done, I've heard, because the Forest Service wanted to get outfitters back into the wilderness and making money; again. This is what the Forest Service public relations officer working this fire told me when I questioned this effort for a fire in a wilderness area.

Response 179-112: The suppression activities and cost for the Thirtymile Fire are irrelevant to this analysis or decision. The suggestion that the suppression activities were taken in order to get the outfitters back into the wilderness are conjectural and not supported by factual evidence.

A number of years ago, a wilderness ranger wrote in his year-end report about outfitters: "So few cost so much".

Response 179-113: Wilderness ranger reports are not the basis for the analysis in the FEIS.

Section #3 Regulatory Framework

Compliance with Applicable CFRs,
ONF Forest Plan S&Gs, Northwest Forest
Plan, Wilderness Act, etc.

On pages 1-6 to 1-14, the DEIS addresses different regulations such as the ONF Forest Plan S&G, the Northwest Forest. Does Alt. #2 really comply with most directives as the DEIS claims?

1. In compliance with the ONF Land and Resource Management Plan S&Gs?

On DEIS page 1-11, it says: "Recreation special use authorization shall conform to the goals of the MA." (Forestwide S&G 8-11) The DEIS concluded that "current recreation use, including the outfitter-guides complies with nearly all existing Forest Plan standards and guidelines." Is this true?

Here is a list of violations of Plan S&G that I found. (In later sections there is also more information on how there is not compliance with these directives.)

MA15 B 21K "Campsites should be located at least 200 feet slope distance from meadows, lakes, streams, and key interest areas. Camping may be restricted or prohibited in certain areas to protect wilderness values."

In the sections in the DEIS where the reserved campsites are described in detail, Appendix H-1 and H-2, it appears that some if not most are closer than 200 feet to some of the above features. I have visited all but one and found this to be true. I have done detailed mapping of wetlands for three. Many of the approved "non-reserved" violate this S&G.

Response 179-114: A Forest Plan amendment was added to the alternatives in the FEIS to address this non-compliance. Refer to FEIS pages 1-18 for the purpose and need for the amendment, 1-23 for the proposed amendment, and 2-11, 2-14, and 2-18 for a description of how the amendment was addressed in each alternative.

MA15B-21S "Grazing, stock within 200 feet slope distance of a shoreline of any lake shall be prohibited." Does the DEIS ensure that this S&G will not be violated by outfitters? It does not. Loose horses camped by lakes go to lakes.

A look at the non-reserved campsites the DEIS allows outfitters to use show many are within several miles of lakes. Several miles is how far the DEIS says a horse/mule travels when let loose to graze. Why does this DEIS allow outfitters to use these camps?

I have seen outfitter horses/mules grazing in meadows next to lakes and drinking from them. I've documented this at lower Goat Lake on the PCT, Corral Lake, and Remmel Lake. I provided this information to MVRD.

None of the four "reserved camps" are next to lakes, unless you call the lovely little lake behind the Bald Mt. Camp a lake. (The DEIS called it an emergent wetland. I'm not sure when one of those becomes a lake.)

Response 179-115: Mitigation measure 8i prohibits grazing within 200 feet of lakes. This is also covered by 36 CFR 261.57 a and e. Although it is possible that loose grazing stock will wander down to lakes, when that occurs, outfitters are responsible under their permits for moving them. If an outfitter-guide violates this mitigation measure or CRF, the violation will be handled as part of permit administration.

The effect of outfitter-guide activities on streams and lakes are disclosed in the Aquatic Resources section, beginning on FEIS page 3-182. The Aquatic Conservation Strategy Objectives the Riparian Management Objectives are addressed in on FEIS beginning on page 3-225.

The emergent wetland near the Bald Mountain camp is discussed on FEIS page 3-248.

MA15B 2-2 When management activities occur in riparian ecosystems, they shall be designed to rehabilitate, maintain, or enhance the riparian ecosystem, and the adjoining aquatic ecosystems.

MA15B 2-5 Riparian ecosystems that were adversely affected by past management activities shall be rehabilitated to as near a natural condition as possible.

MA15B-18D. Riparian standards and guidelines apply to riparian ecosystems Forestwide but as a minimum they shall be applied to areas within 100 feet either side of class I, II, and III stream channels, within 100 feet of lakes and ponds, and within 50 feet either side of class IV stream channels.

This DEIS allows outfitters to let their animals loose to graze. These S&G were designed to protect riparian areas from degradation. The analysis of impacts in the DEIS concluded that the degradation was "localized and small at the watershed scale. Do these three S&Gs allow localized degradation of wetlands at outfitter operations? Wouldn't all of the impacted areas of camps have to be looked at, the people's area, hitching areas, and grazing areas if they are trampled?

Response 179-116: These standards and guidelines were replaced with riparian reserve and riparian habitat conservation area standards and guidelines from the Northwest Forest Plan and PACFISH. Each element of the objectives associated with these allocations is included in Chapter 3.6 Aquatic Resources.

In the DEIS, there is a list of camps that have wetlands within a 500 foot radius. (Appendix H-1). Total acres were given as 99.2 acres for the Pasayten. Most of the camps apparently are very close to wetlands. I know some that are much closer than 500 feet and would fall into the buffer distances in the above S&G. For example, Beaver Creek Camp has wetlands very close to the "people" area. If this S&G applies to this DEIS, wouldn't it be important to identify camps that are inside these buffers?

Response 179-117: Approximately 35 of the campsites frequently used by outfitter-guides are within 200 feet of wetlands. Refer to FEIS page 3-243 for this information. A Forest Plan amendment, which varies by alternative, was added to the alternatives to address this situation.

MA15B 21H Minimum impact techniques shall be used."

In this DEIS, outfitters are never required to use most of these techniques. Why didn't mitigation measures require much more in this area? The two that specifically mention this actually require none.

Isn't it impossible to have parties with 18 horses/mules and really use "minimum impact" technique when there are other alternatives? There are two mitigation measures that mention "Leave No Trace" (LNT) principles, yet neither requires outfitters to follow any. This were (sic) very disappointing.

Response 179-118: The mitigation measures for Leave-No-Trace methods were revised in the FEIS to make it clear that the outfitters will follow these methods. Refer to FEIS page 2-22 information. Alternative 3 analyzes a smaller party size.

What are some LNT principles that outfitters and their camps fail to follow? Pamphlets/books on low-impact horse trips always say: use as few animals as possible. To do this, they say take light-weight foods, light-weight clothing and sleeping bags, as few personal items as possible. Keep personal items to a minimum. LNT principles also include keeping livestock out of streams and wetlands except for watering.

Response 179-119: Leave-no-trace principles cover all aspects of backcountry travel, including planning ahead and preparing, traveling and camping on durable surfaces, disposing of waste properly, leaving behind what you find, minimizing campfire impacts, respecting wildlife, and being considerate of other visitors. There is no one overriding or basic technique, but rather the principles work together and allow stock users to adapt their techniques to changing locations or conditions. Refer to Responses 179-115 and 179-118.

Which of the Mitigation Measures can be called LNT practices?

Response 179-120: Refer to Response 179-118.

MA15B 6B, "Visitor use shall not decrease habitat effectiveness for any species by more than 20%. And MA15B 6D, "visitors shall not displace wildlife from critical areas." One outfitter camp, Bald Mt. is located close to a population of marmots. Does this campsite comply with this S&G?

Response 179-121: Marmots are not threatened, endangered, sensitive, focal, management indicator or survey and manage species. They are discussed in the mountain goat section of Chapter 3, beginning on FEIS page 3-285. The Spanish Camp area, where Bald Mountain camp is located, is discussed on FEIS page 3-287. The camp does not violate either standard and guideline, since the analysis found the outfitter-guide activities would not substantially effect meadow habitat, and there is no designated critical habitat for marmots.

MA15B 22EE, "User created travel routes shall not be readily apparent or should appear to be

wildlife trails..... Average user created travel route density shall be less than 0.8 miles per section"

What data do you have that shows this S&G is being met in the Remmel Lake area." When 18 horses/mules walk through an area a couple of times there is a user-made trail that looks nothing like a wildlife trail. The problem is the number of animals used by outfitters in this area.

I found and mapped numerous "user created trails" around outfitter camps. Many of these were trails horses made from camp areas to grazing and/or trails through grazing areas. They tended to follow the same route time after time.

Response 179-122: Mitigation measures 6 a and b on FEIS page 2-22 require outfitters to only use existing trails, prohibit constructing trails, and require trail maintenance work to be done to Forest Service standards. There are areas in the Pasayten and Lake Chelan-Sawtooth wilderness areas that exceed the trail density standard, but the mitigation measures prohibiting outfitters from creating new trails controlling maintenance lead to them not increasing trail density. The existing condition of trail density is outside the scope of this analysis. It is, however, a Forest Service focus for wilderness restoration. Refer to Appendix F in the FEIS: Recreation Activity Review, Finding #1 on FEIS page Appendix F-2.

MA15B 22G. Gathering firewood may be permitted But shall be restricted where necessary Small fires and self contained stoves are encouraged.

The DEIS allows campfires everywhere. It concluded there is enough firewood everywhere. I don't think this is true.

Response 179-123: The DEIS/FEIS does not allow campfires everywhere, nor does it state that there is enough firewood everywhere. Mitigation measures 3 a, b, and c on FEIS page 2-21 limit firewood gathering to areas with sufficient down wood, prohibit snag cutting, and limit the situations when wood can be stored in campsites.

Is there enough down wood in the area in the area above Remmel Lake and between Remmel Lake and Amphitheater? No. It is at a high elevation. Several big camps that outfitters use are located here. Most of the wood is depleted and campers haul wood in from surrounding areas. Some of dead wood is beautiful silver colored logs and snags that must be hundreds of years old and are prized in other wildernesses. Above Remmel they are cut up and hauled off for wood. I gave MVRD photographs of the wood in this area and asked that fires be banned there.

Response 179-124: Firewood abundance and impacts of firewood gathering are discussed in the following sections: Primary Cavity Excavators beginning on FEIS page 3-273, Marten beginning on FEIS 3-278, Fisher beginning on FEIS page 3-308, and Great Gray Owl, beginning on FEIS page 3-309. An alternative that would have banned firewood gathering in sub-alpine ecosystems (such as Remmel Lake) was considered but eliminated. FEIS page 2-3, #6.

Are outfitters required to use self-contained stoves instead of campfires for cooking? Wouldn't

this be a good LNT mitigation measure? Why isn't it one? Instead, a mitigation measure says they CAN use campfires.

Response 179-125: Outfitters are not required to use stoves. Leave-no-trace techniques for campfire are on pages 22 and 23 in the Horse Use Leave No Trace Skills and Ethics booklet in the wilderness folder in the analysis file. Refer to Response 179-124 for information on the analysis of firewood gathering. The effects of campfires on air quality are discussed beginning on FEIS page 3-376.

MA15B-22A On vegetation. No long term modification of natural plants from human activities outside camps and designated trail tread. Long term is more than 1 growing season.

Trampled vegetation at reserved camp grazing areas does not stop. Because these camps are heavily used all season, and year after year, some plant communities cannot recover, and do not in one year.

Have you checked the condition of the plants at and around outfitter camps and grazing areas a year later to see if the vegetation has recovered? I did this at the beginning of the season at two reserved campsites before the outfitters arrived in 2000. A wilderness ranger was with me. Many areas of vegetation in wetlands and stream areas were still trampled and had little vegetation before the season started. This was especially true in wet meadows and wetlands that were grazing areas near the camps. The new season was to start within a week. When was the one year recovery going to occur? I took many photos of this and gave them to MVRD. They are in my scoping comments.

Response 179-126: Natural plant succession is discussed in the FEIS in the botany section beginning on page 3-58. The effects of the alternatives are disclosed on FEIS pages 3-252, 3-255, 3-258, 3-625, 3-264, and 3-267. Assigned camps, in addition to other frequently used camps are discussed beginning on FEIS page 3-247.

There is a S&G that says structures left over from the days of grazing should be removed. There are fences and gates across two main trails into the Pasayten that are left from the grazing days. Because they graze their horses by letting them loose, outfitters have liked these gates. Sometimes their horses/mules run away and head back to trailheads. The fences stop the animals before they go too far. Are these two gates still there?

Response 179-127: Standard and guideline 15B-11F directs that necessary range improvements may be maintained, and those determined unnecessary shall be phased out. There is no standard and guideline that says all grazing structures should be removed, as suggested by the commenter. The drift fences and gates located at strategic spots along trails to help facilitate loose grazing - the method preferred by the Forest Service because it reduces impacts to plants, soil, and water caused by stock that are corralled or tied to highlines or hitch rails (see FEIS pages 3-13, 3-52, 3-72, 3-77, 3-80). These gates and fences help keep loose stock from returning to the trailheads on their own. Information about the gates was added to the FEIS on pages 3-52, 3-207 and 3-208.

Loose grazing horses of outfitters violate 36 CFR 261.53b. This CFR prohibits being in an area

closed for rehabilitation. They do not know they should stay out of these.

Response 179-128: Loose grazing does not violate this CFR. While loose grazing stock may occasionally pass through an area being rehabilitated, the CFR would only be considered violated if stock were congregating in the closed area. If this occurred with outfitted stock, the violation would be addressed through permit administration and notices of violation if necessary.

In Section #8, comments will explain in detail the many rules, regulations, CFRs, S&G that stock belonging to outfitters violate when running loose to graze. Why didn't this DEIS recognize and address these problems? Aren't outfitters responsible for what their horses/and mules do when running loose to?

Response 179-129: Analysis of loose grazing was added throughout the FEIS. The environmental impacts of loose grazing are discussed on FEIS pages 1-7, 2-23, 2-44, 3-13, 3-46, 3-52, 3-64, 3-72, 3-77, 3-80, 3-159, 3-161, 3-162, 3-164, 3-167, 3-173, 3-189, 3-192, 3-207, 3-211, 3-215, 3-216, 3-221, 3-226, 3-227, 3-230, 3-239, 3-242, 3-247, 3-252, 3-256, 3-257, 3-260, 3-287, 3-479, 3-349, and 3-353. Loose grazing does not violate CFRs, and is the preferred method of grazing because it reduces environmental impacts. Throughout this letter, the commenter characterizes outfitter-guide stock as "running" when they are loose grazing. When stock are released to graze, the vast majority of the time (usually only except when frightened), they are walking and pausing to graze. Refer to FEIS page 3-52 for a description.

MA 15B -13B on water quality. "Human activities should not degrade water quality except for temporary changes where water quality returns to its normal level when the activity ceases." (3-155)

The DEIS recognizes that there are impacts to water quality but determined that they were small and localized so acceptable. Is this true?

A human activity of outfitters is: allowing their stock to run loose all night. Most if not all water quality problems are caused by loose grazing horses/mules that leave manure in the wetlands, streams, and sometimes lakes that they frequent. The activity does not cease all summer. This is not temporary. The 18 animals use the same grazing areas around the reserved camps almost daily, all season. The manure stays in the riparian areas such as stream beds for a long time. When rains or snow melts it is then carried into the streams.

Response 179-130: Impacts to water quality are included in FEIS pages 3-173, 3-229, 3-231. Additional information was added to the FEIS to specifically address the impacts of loose grazing on water quality.

2. In compliance with the Forest Service non-degradation policy "All human activities shall follow a non-degradation policy"?

2A. Isn't the use of this non-degradation principle (DEIS on 1-18) to justify its decision to keep the

camp at Bald Mt. comply with this directive contrary to the intent of this policy? As long as that camp is used the unique and fragile resources will be damaged. Most of the damage is from loose animals and no mitigation meaningfully address (sic) these impacts.

Response 179-131: Using established campsites instead of creating new camps is part of the non-degradation policy, as discussed on FEIS page 1-19. The environmental impacts of the Bald Mountain camp are disclosed on FEIS pages 3-51, 3-60, 3-63, 3-70, 3-74, 3-75, 3-79, 3-241, 3-246, 3-255, 3-259, 3-260 3-265, 3-267, 3-270, 3-280, 3-342, 3-348, and 3-350. Appendix F-3 discloses the ongoing work with the outfitter who uses Bald Mountain. Refer to Response 179-129 for information on loose grazing.

The DEIS's misuse of this degradation principle is amazing. Using this Principle it concluded that it is better to keep degrading fragile, high priority ecosystems than move camps and let the area heal. Only very superficially does this seem to make sense, but when analyzed it is simply wrong. First it fails to understand that some areas are too sensitive, too fragile, and too important to ever have camps or grazing. This also implies that a degraded campsite will never recover if use is stopped.

Response 179-132: The Forest Service has closed and rehabilitated several campsites where effects were unacceptable as part of wilderness management activities not associated with outfitter-guides. Refer to the list beginning on FEIS Appendix C-2 for more information. Mitigation measure 1g on FEIS page 2-120 states that outfitter-guide camps will be closed if necessary for resource protection. The effects at camps are fully analyzed in Chapter 3 of the FEIS.

2B. Is the damage to wet meadows, wetlands, and streams around camps and camp grazing areas that was recognized in the DEIS in compliance with this S&G?

- 1. DEIS, Summary-29, "Localized impacts to the 117.2 acres of wetlands would continue, but mitigation measures would minimize impacts from outfitter-guides.....so isolated impacts to wetlands would be within standards."*
- 2. DEIS, Summary -32, compliance with state water quality standards and the Clean Water Act, "Open grazing would disperse impacts, and minimize effects on riparian areas, streams, and lakes."*
- 3. DEIS, page 3-187, "pack stock have impacted riparian plant communities at localized scales but these areas represent only a small fraction of all stream and lake/riparian habitats and are dispersed across the analysis area."*
- 4. DEIS, page 3-185, "pack and saddle stock outfitter-guide activities would continue to disturb lake shores, stream channels, and riparian areas at campsites and day use areas close to lakes and streams and at stream crossings on trails.....however impacts would be minimal and would represent only a small portion of the resources across the entire analysis area."*
- 5. DEIS, page 3-179, "There are a total 24 camps within riparian reserves and riparian habitat conservation areas and 38 camps between the buffers and 500 feet of streams."*

Response 179-133: All alternatives would comply with this standard and guideline (MA15-21D All human activities shall follow a non-degradation policy). Refer to the

following pages for the beginnings of full analysis of the resources mentioned: wetlands, page 3-242, water quality, 3-168, and riparian reserves, 3-191.

2C. *If Alt. #2 is chosen, won't it mean that more degradation of resources, esp. riparian resources, will occur? More than have occurred up to now? Isn't this what the non-degradation policy is meant to prevent, additional non-degradation?*

1. *Doesn't degradation of wetlands continue if grazing areas within riparian reserves, in areas of hummocks, etc. continues?*

Response 179-134: Degradation of resources is not anticipated with implementation of any of the alternatives. The effects to riparian areas are described in the Aquatic Resources section, which begins on FEIS page 3-182. The hummocks and the plant species associated with the feature: *Gentiana glauca*, are described on FEIS pages 3-240, 3-247, 3-248, 3-256, 3-261, 3-265, and 3-267.

The DEIS recognizes that many campsites are impacting riparian areas, including most of the reserved camps. This was most vividly described for the Bald Mt. camp. Doesn't this camp continue to degrade wildlife habitat as long as it is used. It is next to several unique and important wildlife habitats. Marmots live there and the emergent wetland or pond is very special.

Response 179-135: Refer to Response 179-131 for information on the Bald Mountain camp. No unique or important wildlife habitats have been identified near the Bald Mountain camp. Refer to Response 179-121 for information on marmots.

Mitigation Measure #6a says: " •••. •••••••••• Activities that may disrupt wildlife such as camping next to active next (sic) sites, water sources, or making excessive noise, shall be avoided." (page 2-12)

Doesn't this show that the biologist working on this DEIS believed that camps near riparian areas have a continuing impact that can only end when the camp is closed?

Response 179-136: The quoted mitigation measure is one of several with the objective of outfitter-guide activities complying with habitat management requirements for threatened and endangered species and reducing the possibility of negative encounters between people and wildlife. The commenter's claim that the mitigation measures show closing camps is the only way to end impacts is incorrect. Refer to the Terrestrial Wildlife section of Chapter 3 for the full analysis of impacts to wildlife species.

2. *Wouldn't this degradation end if these reserved camps were closed? Why wasn't this a part of Alt. #2?*

3. *Isn't it possible to find other locations for reserved camps that do not directly impact riparian areas?*

Have serious efforts been made to find other locations for some of the camps located by and in riparian areas? Aren't there some upland areas in the Pasayten where camps could be located? Aren't some old camps from the days of sheep better located? Wouldn't they be good choices

because they already have large barren cores?

Response 179-137: The analysis did not find degraded conditions at the assigned sites. Refer to Response 179-133. Refer to FEIS Figures 3.2-9 and 3.2-49 list the largest camps in the Pasayten and Lake Chelan-Sawtooth. Appendix A includes a full list of all camps consistently used by outfitters. Some of the large camps currently not being used by outfitters are used by non-outfitted recreationists. Moving assigned sites to these campsites would displace the non-outfitted users, who may shift their use to the original assigned camps.

2D. Why did MVRD close two camps at Rimmel Lake used by private groups to protect riparian resources but does not close outfitter camps that are just as poorly located? By closing these two camps, won't the private groups who used them just move to other locations and degrade them? Isn't this the same kind of degradation the DEIS says must be avoided when justifying making Bald. Mt.

Doesn't this show a double standard for private vs. outfitted groups, a bias towards outfitters' wishes? Didn't private groups enjoy the camps next to Rimmel just like outfitters are attached to their reserved camps at Bald Mt. and Beaver Ck. ?

Response 179-138: The camps closed near Rimmel Lake were found to have on-going resource issues, such as proximity to streams, human waste in waterways, and lakeside grazing. There are alternate campsites available in the Rimmel area to accommodate non-outfitted use. This does not show bias towards outfitters, rather it shows how wilderness management and resource protection activities by the Forest Service cover private and outfitted use. Refer to FEIS pages Appendix F-2 and 3 for additional actions taken to improve camp conditions.

2E. Doesn't this closure of camps at Rimmel Lake show that MVRD does believe that if a camp is closed, the site can be restored and the condition of the riparian reserve improved? Why doesn't the DEIS recognize this potential when discussing closing and moving the camp at Bald. Mt? Again, isn't this a double standard favoring outfitters and their desires for camps?

Response 179-139: Nowhere does the DEIS/FEIS state that closing and restoring camps is not effective. Several factors are considered when deciding how to reduce resource impacts at campsites, including but not limited to: proximity of other established camps, environmental effects of the campsite, proximity and access to water and graze, availability of other campsites in the area, proximity to trails, and potential impacts from displaced campers. As stated in Appendix F, the Forest Service has been working with the outfitter assigned to the Bald Mountain camp to improve conditions there. The EIS determined that current conditions are acceptable. Relocating the camp is an option that will be considered over time if conditions become unacceptable. Refer to Alternatives Considered but Eliminated in Chapter 2, #22 on page 2-6.

2F. Does the non-degradation policy only apply to degradation of large areas like the ACS? Or does this S&G apply to damage around camps and their grazing areas?

Response 179-140: The standard and guideline states that all human activities shall follow a non-degradation policy (MA15B-21D).

MVRD has allowed serious degradation at a number of outfitter camps over the years. Unfortunately it will continue as long as 18 horses/mules are brought into the fragile meadows and wetlands and streams that surround the outfitter camps in the Pasayten. These areas cannot withstand that much use during the whole growing season of every summer.

Response 179-141: The existing conditions of the outfitter camps, including the meadows, wetlands, and streams near them, along with the anticipated effects of the alternatives are disclosed in the FEIS in the Botany and Aquatic Resource sections, beginning pages 3-186 and 3-241. Each camp is having localized impacts to resources, but no unacceptable or wide-scale impacts were found.

2G. In the Botany/Ecology Report, Appendix E, for the Recreation Activity Review of 2000, wasn't one of the recommendation on the last page was relocation of the camp at Bald Mt. "because of the resource damage that was occurring from his stock grazing on Bald Mountain"?

Yes, while general findings of this Review were in the DEIS appendix, why weren't either of the two details about this camp that were in the Review NOT in this DEIS? Aren't they very pertinent to the choice of the Bald. Mt. camp as a reserved camp?

Response 179-142: The Botany/Ecology appendix of the Recreation Activity Review did recommend closing the Bald Mountain camp. After further field analysis and attempts to locate an alternative camp location, the Forest Service decided to work with the outfitter to mitigate impacts from stock traveling through the nearby wetland as an alternative to closing the camp (FEIS page Appendix F-3). If conditions become unacceptable, the camp can be closed, as stated in Mitigation Measure 1g on FEIS page 2-20.

Because this camp was not closed in 2000 as recommended, hasn't additional degradation occurred? Isn't this 10 years of additional degradation at the Bald Mt. camp a violation of the non-degradation policy?

Response 179-143: The Bald Mountain camp has been used 14 times in the past 10 years, so stating there has been 10 years of additional degradation misrepresents the facts. Refer to Response 179-131 for references to analysis of Bald Mountain camp, and to Response 179-142 for discussion of Recreation Activity Review recommendations.

2H. Should any campsite used by an outfitter ALL season, with 18 stock be located next to wetlands, streams, sensitive plants, etc. just because it was there in the past? It seems like the rationale for the selection of existing outfitter camps as "reserved camps" is based on the belief that once a camp is an outfitter's camp, it is always his camp, regardless. Don't these camps violate these Forest Plan S&Gs, MA15B -2S, MA15B-18D, and the Forestwide S&G, etc. ?

Response 179-144: Refer to Response 179-28 for existing condition and effects analysis of assigned sites. Any outfitter-camp can be closed if necessary (Mitigation Measure 1g).

The Forest Service has closed or modified assigned sites and other outfitter camps to address resource concerns. Refer to Appendix F for a list of actions that have been taken at campsites across the Pasayten to address resource concerns. The Forest Plan has no Standard and Guideline MA15B.2S. Standard and Guideline MA15B-18D requires that certain sites be retained and no additional lookouts be built which is irrelevant to a decision relating to outfitter-guide use. Consistency with Standards and Guidelines that do apply to pack and saddle outfitter-guides is discussed at the end of the appropriate resource sections.

2i. Keeping the camp at Bald Mt. was used as an example of compliance with the non-degradation policy. Didn't the botanist who surveyed this camp say that mitigation measures # 3, #5, and #8 would "ensure species viability is not compromised, which is why she seemed confident that this camp could be used in the future?"

Response 179-145: Keeping the Bald Mountain camp was not cited as an example of compliance with non-degradation, as the commenter suggests. Nor does the DEIS state that mitigation measures 3, 5, and 8 would allow the camp to be used in the future. In fact, nowhere does the DEIS or FEIS state that the camp will never be relocated. On FEIS page 3-247, the impacts of the camp on the nearby wetland are discussed. Additional analysis of this camp and nearby wetland was completed after the DEIS was published, and it was determined that impacts to this wetland and species there are inconsequential to overall wetland habitat and species viability. Refer to FEIS for full discussion. The FEIS does include a mitigation measure making it clear that camps can be closed when necessary (mitigation measure 1g, page 2-20). Potential impacts of relocating a camp are a key consideration to avoid creating new or greater impacts in the new location. The Forest Service is continuing to work with the outfitter using the Bald Mountain camp to address the impacts to the wetland. Refer to Appendix F-2 and 3 for documentation of this effort.

Let's look at these three areas of mitigation measures. What individual measures in each category will do this???

#3: Stock Grazing and Containment. I don't see a single one. Which one is it in this category? There are ones about not hitching and grazing near lakes and trails. There are some about supplemental feed.

#5: Vegetation and Soils

I don't see one here either. The closest is #5c. "Travel routes will be identified to minimize impacts to wet soil and meadow areas. Is this the one she meant? How will it do this?"

#8: Noxious Weeds I don't see one here that will help except in the most general way of preventing Noxious weeds from displacing the species of concern. Is there a better one?

Response 179-146: Mitigation measures are discussed in detail in the Botany section of Chapter 3, beginning on FEIS page 3-257. Additional measures are discussed on pages 3-259, 3-260, and 3-265. DEIS mitigation measure 5c was modified in the FEIS to state that stock travel routes between camps and grazing areas would be managed to minimize

the number of trails. All the mitigation measures work in concert to mitigate potential impacts to resources. The ones cited to mitigate potential effects to sensitive species would reduce impacts and disturbance from grazing and stock containment, reduce impacts to vegetation and soils, and reduce the potential for introduction and spread of noxious weeds. Refer to FEIS pages 2-19 through 2-126 for specific measures.

2J. On Summary-28, under Key Issue: "Compliance with Wilderness Management Tool (non-degradation policy)" it says for Alt. #2:

1. It first says that the Forest Plan amendments would limit the amount of barren core, etc. to allow natural restoration of areas beyond 5,250 square feet to occur.
2. Then it says "mitigation measures would insure that outfitter-guides do not further degrade the condition of the wilderness.

2K. How do these two items bring Alt. #2 in compliance with the nondegradation policy when the it is based mostly on only one small cause of degradation, size of the barren core, and glosses over the really important causes of outfitter caused degradation?

1. The first might be a meager step to preventing further degradation at camps. But isn't allowing degradation of 5,250 square feet when most non-outfitter camps have a much smaller area and where the S&G was 400, not a very big step?

Response 179-147: The forest plan amendment would prohibit outfitter-guides from increasing the amount of barren core in any established campsite. In campsites where there is more than 5,250 square feet of barren core, outfitters would be required to re-use the same 5,250 square foot area each time they use the camp, leaving the excess barren core to recover. Refer to FEIS page 2-11. This will not allow degradation of 5,250, as suggested by the commenter. Rather it prohibits any increases in the current amount of barren core, and targets the largest camps for restoration of areas of barren core in excess of 5,250 square feet.

2. Exactly which mitigation measures will insure that outfitters don't cause further degradation from livestock most of which is not a barren core issue? Mitigation, like this, primarily only addresses impacts within the barren core. Most mitigation measures really only require that outfitters obey CFRs and S&G that all other visitors have always followed like keeping stock at least 200 feet of lakes, etc. Others aren't even mitigation measures. I question the mitigation measures in a later section. They are disappointing.

Response 179-148: The mitigation measures listed beginning on FEIS page 2-12, cover all outfitter-guide activities, including campsites and trails, sanitation and litter, stock grazing and containment, party size. The mitigation measures also reduce impacts to vegetation and soils, wildlife, aquatic resources, and noxious weeds. The objectives of the measures are included in the list, and specifics of mitigated impacts are included in each resource section in Chapter 3. Refer to discussions on FEIS pages 3-65 through 3-693-116, 3-161 through 3-162, 3-177, 3-220 through 3-221, 3-257, 3-259, 3-262, 3-265, 3-275, 3-276, 3-282, 3-283, 3-285, 3-288, 3-289, 3-295, 3-296, 3-299, 3-302, 3-305, 3-332 through 3-333, and 3-353.

2L. Don't these observations of the camp at Bald Mt. Camp in the botany section clearly

demonstrate that very negative impacts will continue at this camp until it is closed to all stock use?

A. DEIS 3-109:

"The current impacts to nearby wetlands would continue resulting in vegetation trampling, selective grazing, and soil damage in approximately 1.4% of the wetland habitat in the analysis area." "Outfitter pack and saddle stock may affect some sensitive plant species by trampling and a loss of some populations or individuals may occur where species are in close proximity to established camps and use patterns are known to overlap habitat. "

B. DEIS page 3-100 about a sensitive plant, C.heteroneura (C. epapillosa): "...the long-term viability of the population is unknown."

C. And further down it says: "this sensitive plant species is found in a wet sedge meadow... the travel patterns have resulted in multiple braided trails through these wetlands. Springs along the north slope of Bald Mountain have been sheared open from hoof action allowing for a more rapid dewatering of spring (sic) and slope erosion. "

D. And still further down it says;

"Horses traveling through the area are trampling this population and the perennially moist spring site cannot tolerate trampling. Hoof tracks often sink into the soil 4" to 6" and the spring flow is being diverted down the old boundary trail causing soil erosion.

Response 179-149: Refer to Response 179-131.

3. In compliance with the Wilderness Act?

The primary purpose of the Wilderness Act was to set aside and preserve special areas in as pristine condition as possible AND to provide humans with a place for solitude and a primitive type of recreation. Commercial uses were secondary to protecting wilderness resources and character.

Did the Wilderness Act intend to have a small percent of the visitors, commercial outfitters, manage the wilderness areas to meet their needs? That is what is happening in the ONF.

Response 179-150: Wilderness on the Okanogan-Wenatchee National Forest is managed according to the Wilderness Act, Forest Service Manual and the standards and guidelines in the forest plans, as discussed beginning on FEIS page 3-21. The effects of the alternatives on Wilderness are described in the Wilderness section, beginning on FEIS page 3-53.

3A. The Wilderness Act describes a wilderness as "untrammelled" by man, "where man himself is a visitor who does not remain", a place "with the imprint of man's work substantially unnoticeable". A place for solitude, primitive unconfined recreation.

The DEIS found that there are impacts, but when compared to all of the total acres of the

wilderness, they are small and local. Small and local is just where all of the other visitors are hiking and camping. Doesn't The Wilderness Act address small and local, especially if it can be reduced?

Response 179-151: The existing condition of wilderness, and the effects of the alternatives on wilderness character are included in the Wilderness section of Chapter 3, beginning on FEIS page 3-21. The impacts are analyzed by measuring the impact using context, intensity, duration and type of effect.

Doesn't everyone agree that because of their large parties of 30, outfitters cause far more impacts than any other visitors?

Response 179-152: The scoping comments and comments on the DEIS show that there is a wide variety of opinion on the effects of outfitters on wilderness. Everyone does not agree. Refer to the scoping comments, DEIS response letters, and issue tracking forms in the analysis file for specifics. Also Response 179-2 addresses the comment about a party size of 30.

Should one group, and a commercial one, be allowed to cause the most damage in a wilderness area?

Response 179-153: The outfitter-guides are not causing the most damage to wilderness, as suggested by the commenter. Refer to the Wilderness Affected Environment section beginning on FEIS page 3-177.

If managed well, outfitters couldn't their impact be a lot less?

Response 179-154: The mitigation measures in the FEIS will help reduce environmental impacts from outfitter-guide activities, and will become part of the annual operating plans for each outfitter. Active permit administration will continue to monitor outfitter activities to insure compliance. Refer to Appendix F-4 for a partial list of permit administration tasks, and FEIS page 3-15 for a discussion of permit administration.

Why didn't this DEIS have more special regulations and mitigation measures to reduce negative impacts of outfitters? Mitigation requires that outfitters follow little else but Forest Plan S&Gs and CRFs everyone else follows.

Response 179-155: Refer to Response 179-148.

There is no requirement that they follow the most basic LNT principles but most other visitors do.

Response 179-156: Refer to Responses 179-7, 179-10, 179-13, 179-118, 179-119 and 179-125.

Shouldn't the location of outfitter camps be chosen with extra care and thought?

Response 179-157: Refer to Response 179-141.

Why are the Pasayten and Chelan-Sawtooth the only wildernesses in Washington State that allow 18 horses/mules?

Response 179-158: Party size in other wilderness areas is irrelevant to this decision or analysis. Refer to Forest Plans covering other areas for information on party sizes.

3B. There are some practices that are unique to only stock outfitters that cause negative impacts to the wilderness. Yet these continue because outfitters want or need them. This has created a situation where the wilderness is being managed to meet the needs of a handful of outfitters rather than that of other visitors and protection of resources.

Response 179-159: Refer to Response 179-150.

Not only do other users not do these things, but some of these things negatively impact the wilderness experience of others.

Response 179-160: The opportunities for solitude or primitive and unconfined recreation, including contacts and encounters are discussed in the FEIS beginning on page 3-41.

Outfitters violate Plan S&G, etc. but are allowed to.

- 1. 18 horses/mules running loose in wilderness areas sometimes a mile or two from their camp. (They violate a number of CFRs and Plan S&G during this time.)*

Response 179-161: Loose grazing is encouraged for all stock users, permitted and private, because it reduces impacts to soil, water, vegetation, and minimizes barren core in campsites since stock containment areas are less frequently used. Refer to Response 179-129.

- 2. Bells clanging at night as their stock roam loose to graze. As these horses travel up to two miles from their camps they pass other people's camps and wildlife habitat. This violates one or more regulations.*

Response 179-162: There are no regulations pertaining to the use of bells on stock in the wilderness. The impact of bells on wilderness character was added to the FEIS pages 3-52, 3-64, 3-73, 3-77, and 3-80.

Most outfitters let their animals run loose to graze so they put bells on some of the animals. The idea is that the bells are so loud they can find the animals the next day by hearing the clanging. For the person camped within a couple of miles, does this fit the definition of wilderness? (The DEIS said the animals may travel 1 to 2 miles when loose)

On my first trip to the Pasayten, I hiked the Pacific Crest Trail from Harts Pass north. I camped near Goat Lakes. The next day while hiking, I heard all kinds of racket and went to investigate. An outfitter with a party of 30, 19 horses and mules, had arrived and was setting up camp not too far from mine. The noise was coming from bells he was putting on his horses/mules. The bells were huge and loud. The animals' bells clanged all evening and night. They rang around my

tent, down around the Pacific Crest Trail, and at another camp located nearby. The outfitter told me to just pretend I was in Switzerland.

Early the next morning, I was awakened by a loud commotion that sounded like a cattle drive. A man was shouting and whooping and hollering and bells were clanging, as a herd of horses thundered by my tent. I looked out and it was the outfitter rounding up the 17 or so horses and driving them back to his camp. This wasn't exactly how I expected to wake up in a wilderness. Though it was kind of interesting the first time.

Response 179-163: The Wilderness Act does not speak specifically to the use of bells on stock. Refer to Response 179-162.

3. Gates are across two main wilderness trails to keep outfitters' loose stock from running back to the trailhead. (On the Chewuch and Andrews Ck. Trails)

I really felt like I was in the Okay Corral when I had to open and close these on my hikes through wilderness areas. I also found them difficult and sometimes impossible to open and/or close because I was not up higher on a horse or particularly strong.

Response 179-164: This is a non-substantive comment. See response to 179-535.

4. Horses grazing within 200 feet from lakes and drinking from lakes. The DEIS failed to acknowledge this, but how could the writers of aquatic and water resources not know that loose stock end up at lakes if there are lakes within several miles of outfitter camps and there are? The closest the DEIS got to thinking about lake impacts was to say that outfitters don't hobble horses within 200 feet of lakes, which is probably now true. Tying I am not so sure. But grazing, definitely yes and easy to figure out.

Response 179-165: Refer to Response 179-115.

5. Special reserved camps.

3C. While the Wilderness Act does state that outfitters can operate in wilderness areas, did it say wilderness areas should be managed first to meet the needs of a few commercial outfitters and maximize their profits?

Did it say special accommodations should be made for them? But isn't this what happens in the Pasayten?

Response 179-166: Refer to Response 179-15 and 179-150.

The DEIS says stock outfitters make up a small part of all wilderness visitors. Let's look at the influence they have had on the wilderness.

1. When the ONF Land and Resource Management Plan was in its draft form, a few outfitters exerted their tremendous political power to remove two important parts of that draft that would

do a lot to protect natural resources and they won. In the draft party size was 12/12 and recreational stock could not be in streams.

The maximum group size of 12/12 was in the draft. And recreational stock was to be kept out of streams as well as lakes. Outfitters were able to change both of these. Group size went to 18/12 and the S&G to protect streams was removed. No other user groups need the 12/18 group size and very few need to degrade streams. (I was told this by Dave Yenke, an ONF employee who played a major role in the writing and adoption of the ONF Plan.

Response 179-167: Although changes made between the draft and final forest plans are irrelevant to this decision or analysis, the draft Forest Plan had a party size limit of 12 (any combination of people and recreation livestock), but it included an exception that larger parties may be authorized on a case-by-case basis. The draft Forest Plan contained no language requiring keeping livestock out of streams and lakes; it stated that “[F]ragile areas along lakeshores and stream-sides shall be protected by intensified administration.” The forest plans were amended by the Northwest Forest Plan and PACFISH, so the Aquatic Conservation Strategy Objectives and Riparian Management Objectives direct management in waterways and riparian areas.

2. Now the Forest Service is doing the same thing again, writing a DEIS to please a few outfitters. Parts violate Forest Plan S&G.

Response 179-168: The alternatives will be consistent with Forest Plan, including the amended standard and guideline pertaining to barren core and campsite location. Refer to the consistency statements at the end of each resource section in Chapter 3 (page numbers listed in the Table of Contents).

Almost all of the other visitors to the wilderness do not need, want, and often do not like the special accommodations and practices of outfitters.

Response 179-169: Responses to scoping and the DEIS show that many people value the service provided by pack and saddle stock outfitter-guides. Refer to the response letters in the analysis file.

Doesn't Preferred Alt. #2 have in it everything outfitters wanted?

a. Alt #2. is tailored to outfitters special needs. Party size of 30.

Response 179-170: The party size in Alternative 2 is 12 people and 18 head of stock, not 30 as suggested by the commenter (refer to Response 179-2). This is the current party size from the forest plans (not 30). Alternative 4 was developed because of comments submitted by outfitter-guides and others that Alternative 2 was too restrictive.

Reserved camps for the whole season.

Response 179-171: Alternatives 2 and 4 include the five existing assigned sites; Alternative 3 includes three. Refer to FEIS pages 2-10, 2-13, and 2-17 for a list assigned

sites.

More service days.

Response 179-172: Alternative 2 includes 4,620 service days, which is a 160-service day or 4% increase over the existing number. Refer to FEIS page 2-31 for a comparison of service days in each alternative to current permitted numbers.

The freedom to use any campsites they wish.

Response 179-173: The Mitigation Measures under #1 Campsites, beginning on FEIS page 2-19 describes limitations and requirements for camp use and management.

No restrictions on where their horses roam at night.

Response 179-174: Refer to Response 179-115 and 179-129.

No real requirement to use Leave-No-Trace principles.

Response 179-175: Refer to Responses 179-7, 179-10 and 179-13, 179-118, 179-119 and 179-125.

While it sometimes sounds like some of these problems are being addressed, once the details are carefully examined, most are meaningless.

Response 179-176: This commenter has not provided any substantive comment to which a response can be provided. The environmental effects of all the alternatives are disclosed in Chapter 3.

b. There are lots of other examples of how outfitters seem to be writing this DEIS. It states that outfitters must have a party size of 30 to stay in business. Why wasn't there a careful and thorough analysis to support this?

Response 179-177: None of the alternatives include a party size of 30 (refer to Response 179-2), and the FEIS does not state that this party size is needed to stay in business. Refer to FEIS page 3-100 for a discussion of the effects of Alternative 3 and the reduced party size on the outfitters.

The DEIS said grazing animals loose causes less impact. Why wasn't there any analysis to support this decision? Why wasn't one negative impact disclosed?

Response 179-178: Refer to Response 179-129.

The DEIS gives outfitters reserved campsites and says this offer benefits, but presents no data to show that these benefits will actually occur. Why wasn't one negative side of reserved camps even given, let alone analyzed?

Response 179-179: The environmental impacts of the assigned sites are disclosed

throughout the FEIS. Refer to Response 179-28 for location of environmental analysis of assigned sites.

The DEIS recognizes that outfitters degrade some streams, wetlands, etc., but concludes even the worse (sic) of it, water pollution, is acceptable because it is small and localized. Why does this DEIS speak of outfitters being models of good practices when they actually cause more problems than any other user group?

Response 179-180: Any user group can cause environmental impacts, and outfitter-guides do not cause more problems than others, as the commenter suggests. Refer to Response 179-130 for information on the impacts to water quality. The effects of the outfitter-guides are disclosed in each resource section in Chapter 3.

3. Haven't large efforts been made to fight forest fires in the Pasayten so outfitters can get back in them and make money?? This was a main reason the 30 Mile Fire was fought even as it entered the wilderness.

I followed the 30 Mile Fire closely. I talked with the person who was managing Forest Service public relations for that fire several times. When I asked why so much time and effort was being put into the fighting the fire in the wilderness, he said it was important to get it out because outfitters needed to get back and resume their businesses. Isn't this amazing!

Response 179-181: Refer to Response 179-112.

4. Is there any doubt that a handful of stock outfitters cause most of the negative impacts in the wilderness?

Response 179-182: The pack and saddle stock outfitter-guides do not cause most of the negative impacts in wilderness. The effects of the pack and saddle stock outfitter-guides on wilderness character are described in Chapter 3.2 Wilderness, beginning on page 3-53. The current, direct and indirect, and cumulative effects of the outfitter, and all past, present, and reasonably foreseeable future actions are disclosed in this section.

Isn't the special forest amendment just for them because they cause such a large barren core? Yet as the DEIS said, outfitters represent only 2% of all wilderness users? (Sum-25).

Response 179-183: The forest plan amendment is needed to resolve incompatibility between the standards and guidelines for party size and barren core (refer to DFEIS page 1-18). The amendment would only apply to pack and saddle stock outfitter-guides because changes to non-outfitted pack and saddle stock use would be outside the scope of the analysis (refer to eliminated alternative #3 on FEIS page 2-2).

Several wilderness rangers noted in their year-end reports that "so few caused so much

damage." (These old reports were in MVRD files). Interestingly these kinds of things were only mentioned in reports written by wilderness rangers who only stayed one year, not the regulars who worked there for years and years.

Response 179-184: This is an accurate quote from one wilderness ranger report, but is not substantiated by the analysis of the effects on wilderness character is in the Wilderness section beginning on FEIS page 3-58, or the Recreation Activity Review completed in 2000 after the cited wilderness ranger report was written.

4. In compliance with the NW Forest Plan?

Wasn't the determination of compliance with the NW Forest Plan was covered in the "aquatic resources" section of this DEIS? However, in this section there was little real analysis of wetlands. None of hummocks. Was wetland delineation done by aquatic team members as is required if areas to be impacted might be "wetlands"?

Where were wetlands really addressed in this DEIS? They were mentioned in "Botany" but not analyzed there. Compliance was covered in another section, Water, but little data or analysis of wetlands was done there. This is important because wetlands are one of the most special features in areas of the most concentrated outfitter use.

Response 179-185: The wetlands analysis is in the Botany section of Chapter 3, beginning on FEIS page 3-241, with effects of alternatives on FEIS pages 3-3-254, 3-260, 3-263, 3-266, and 3-269. Compliance with the Aquatic Conservation Strategy Objectives for wetlands begins on FEIS pages 3. 229. There is no requirement for an "aquatic team" to delineate wetlands. The process used to delineate wetlands is described on FEIS page 3-238. Map 3.7-1 shows the locations of wetlands. Refer to Response 179-134 for information on the hummock analysis.

What about the very unique wetland feature, hummocks? They were not analyzed anywhere. They were only briefly mentioned in "Botany".

Response 179-186: Hummocks are not a wetland feature. The impacts to hummocks are disclosed in the Botany section of Chapter 3. Refer to Response 179-134.

1. This DEIS said that the many impacts to riparian areas, which it recognized, were in compliance because they were small and local. They were compared to the total miles of streams, or lakes, etc.

Under the NW Forest Plan and PACFISH, there are "Riparian Reserves". Don't these have to be protected on a much smaller scale?

Response 179-187: Impacts to riparian areas are disclosed throughout section 3.6 in Chapter 3, beginning on FEIS page 186. Compliance with the NW Forest Plan and PACFISH is detailed beginning of on 3-224.

I. The analysis of impacts on riparian areas was usually based on the damage as measured by its percent of all the miles of lake shore, or the % of the analysis area, etc.

Does 117.2 acres of seriously damaged wetlands comply? In this DEIS, how big is significant?

Response 179-188: The DEIS reported that 117.2 acres of wetlands are within 500 feet of campsites used by the outfitter-guides. This was corrected in the FEIS using updated campsite monitoring results. The correct number of wetland acres within 500 feet of campsites is 86 acres (FEIS page 3-242). These acres are not “seriously damaged” as suggested by the commenter. Not all of these wetlands are impacted by pack and saddle stock use. Affected areas are typically small and isolated, leaving wetland ecosystem function unaffected. Refer to Response 179-185.

1A. In the DEIS, page Summary-29, there is a chart of impacts of the alternatives for alternatives. This is the DEIS's response to this issue; "Current outfitter use could degrade wetlands and habitat for native plant species."

**"Wetlands within 500 feet of camps and % of total wetlands in area."*

There are 117.2 acres impacted, or 1.4%.

** Effects of activities on wetlands.*

*"Localized impacts to 117.2 acres of wetlands would continue, but mitigation measures would minimize impacts from outfitter-guides. *(see mitigation below) Outfitter-guide activities would meet the Aquatic Conservation Strategy (ACS) Objectives, and the Riparian Management Objectives, so isolated impacts to wetlands would be within standards. "*

Response 179-189: These quotes are accurate.

1B. Doesn't this response also show confusion about whether this DEIS will use the ACS or Riparian Reserve S&G to determine if Alt. #2 complies with the NW Forest Plan? When it says "mitigation measures will minimize impacts", isn't it looking at small, localized impacts from camps within Riparian Reserves? But then it switches to the ACS standard and says because impacts are only localized, Alt. #2 meets ACS Objectives. Which one is being used to show compliance with the NW Forest Plan?

Response 179-190: The Northwest Forest Plan amended the Okanogan National Forest Land and Management plan, as discussed on FEIS page 1-10. The analysis found that the alternatives would all comply with the amended Forest Plan, as amended with this FEIS. Details about the compliance are in the Consistency Statement section of Chapter 3.6 Aquatics, beginning on FEIS page 3-224.

In the NW Forest Plan, don't the Riparian Reserve (RR) Standards and Guidelines address small scale activities like camps?

Response 179-191: The standards and guidelines for recreation activities in riparian reserves require that new dispersed campsites should not prevent meeting the Aquatic

Conservation Strategy objectives, and that existing sites should be modified if they are preventing or retarding the attainment of the objectives (RM-1 and RM-2, page C-34 of the *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, 1994). The analysis found, and the FEIS disclosed, that the existing condition and alternatives will not prevent or retard meeting the Aquatic Conservation Strategy objectives, therefore the outfitter-guide camps are in compliance with the Riparian Reserve standards and guidelines. Refer to Chapter 3.6 Aquatics for more specific information.

Haven't Riparian Reserve S&Gs mention (sic) and been used extensively to prevent small scale impacts such as those from timber sales and campgrounds? Areas within the RR is (sic) not logged, even when all of the rest of the watershed is healthy.

Response 179-192: Compliance with standards and guidelines pertaining to other projects such as timber sales and campgrounds is irrelevant to this decision and analysis. Logging is permitted in Riparian Reserves, where it meets the criteria in NWFP standard and guideline TM-1.

Didn't MVRD close two camps at Rimmel Lake because they were within Riparian Reserves? But why. The rest of the watershed was healthy.

Response 179-193: Refer to Response 179-138.

According to this DEIS, camps like the outfitter camps don't have to be closed because they represent only 1.4 % of the analysis area. (DEIS, Summary 29.)

Response 179-194: The DEIS on Summary-29 states that 1.4% of the total wetlands in the analysis area are within 500 feet of wetlands, not that outfitter camps represent 1.4% of the analysis area, as the commenter suggests, nor does disclosure of this information have anything to do with closure of camps. The updated wetland information begins on FEIS page 3-241. Approximately 1% of the wetland habitat in the analysis area is within 500 feet of campsites used by the outfitter-guides.

1C. Don't both Alt. #2 and Alt. #3 violate the NW Forest Plan because of 117.2 acres of Riparian Reserves impacted by just campsites? Doesn't this DEIS say on Summary-29 that 117.2 acres of wetlands are impacted within 500 feet of camps?

Response 179-195: The DEIS discloses that there are approximately 117.2 acres of wetlands within 500 feet of established campsites, not that 117.2 acres of riparian reserves or wetlands are impacted. This analysis was revised in the FEIS, and the number of acres of wetland within 500 feet of campsites was corrected to 86. The actual impacts on wetland are disclosed in the Botany section, beginning on FEIS page 3-254.

This (sic) 117.2 acres does not include all the damage outside 500 feet of camps. Most of the damage occurs outside of camps. When outfitters' herds of 18 horses/mules run loose to graze every night, they are often within Riparian Reserves; lakes, streams, and wetlands. On Summary -29, it implies that total area of wetlands impacted is the 117.2 acres. Summary -29 charts. For

*Key Issue: "Current outfitted use could degrade wetlands and habitat for native plant species."
The conclusion for Alt. #2 was:*

"Localized impacts to 117.2 acres of wetlands would continue, but mitigation measures would minimize impacts from outfitter-guides. Outfitter-guide activities would meet the Aquatic Conservation Strategy objectives, and the Riparian Management Objectives, so isolated impacts to wetlands would be within standards. "

Response 179-196: Refer to Response 179-129 for loose grazing.

Don't many more acres of wetlands damage occur from grazing than the camps themselves? As the DEIS says, grazing may occur over five acres or more out from a campsite. Most outfitter camps have extensive wetlands surrounding them on several sides. This is where the stock graze. Why wasn't this damage analyzed? How many acres additional acres would this be?

Response 179-197: The wetlands most impacted by pack and saddle stock outfitter-guide activities are those in close proximity to camps, however the wetlands analysis considers impacts to all wetlands, including impacts from loose grazing. As described in the FEIS on page 3-239, loose grazing stock do not graze in wetlands, rather pass through wetlands on their way to drier upland slopes where the preferred graze species grow. Refer to Response 179-129 and Response 179-185.

2. There is additional damage to riparian areas that is caused by loose grazing. Was the acreage of this even recognized or analyzed? No. It is not included in the acres of impacted riparian areas. Only the 117.2 at camps was noted.

Response 179-198: The 117.2 acres are the number of acres of wetlands within 500 feet of established camps reported in the DEIS. Refer to Responses 179-88, 179-194 and 179-195 for updated wetland information. Refer to Response 179-187 and 179-191 for information about riparian reserves, and 179-129 for loose grazing.

3. Aren't there special protection measures required because their (sic) is habitat for Threatened or Endangered Species in the area this DEIS will impact? This would be bull trout, Methow steelhead, Methow spring Chinook,

Response 179-199: Threatened, endangered, and sensitive aquatic species and impacts to the species from existing use and the alternatives are discussed on FEIS pages 3-195 through 198 and 3-219 through 3-220.

3A. Isn't a 300 foot setback required for these species? Camps, reserved and non-reserved, are often closer aren't they?

Response 179-200: There is no required setback for these species. Although 300 foot Riparian Reserves and RHCA's are established on fish bearing streams by the NWFP and PACFISH, activities can take place where they do not retard the ACS (NWFP), or do not

adversely affected anadromous fish (PACFISH). Refer to Responses 179-191 and 179-199.

3B. Shouldn't all camps where (sic) loose grazing stock might use lakes be closed to outfitters who let their stock run loose at night unsupervised? Isn't this every horse/mule outfitter applying for a permit under this DEIS? The DEIS says stock may wander as far as 2 miles from camp when grazing.

Response 179-201: Loose grazing is the preferred grazing method since it reduces impacts. Refer to Response 179-129.

3C. Aren't riparian areas such as streams, ponds, tarns, and streams within the setback also protected within the 300 feet?

Response 179-202: The width of riparian reserves varies depending on the presence or absence of fish and other factors. Refer to the Northwest Forest Plan, pages C-30 and 31 for a description. Refer to Responses 179-187 and 179-191 for the location of the analysis of the effects to riparian reserves. No "setbacks" are established by either the NWFP or PACFISH. Activities can occur within Riparian Reserves and RHCAs if they meet the established standards and guidelines.

3D. Don't HUC watersheds included Lost, upper Methow, Goat Creek, and the Chewuch?

Response 179-203: HUC is an acronym for Hydrologic Unit Code. As disclosed on FEIS page 3-185, the aquatic habitat was evaluated at the 5th and 6th field HUC scales. Figure H-1 FEIS page Appendix H-1 shows the streams by 5th and 6th field watersheds.

3E. Doesn't this also cover general public use too? Outfitters often use the same camps as non-reserved campsites.

Response 179-204: Standards and guidelines apply to all users, outfitted and non-outfitted, but non-outfitted use is outside the scope of this purpose and need. The cumulative effects analysis includes effects from non-outfitted recreationists (refer to FEIS page 3-222 for Aquatic cumulative effects analysis).

3F. Basically, don't these setbacks mean no net loss and no direct impacts?

Response 179-205: There are no "setbacks". Refer to Response 179-202 concerning the width of riparian areas, Response 179-191 for standards and guidelines, and Response 179-187 for riparian area analysis.

3G. Don't these standards apply to small impacts such as trails, camps and grazing? The DEIS often said the localized impacts do not effect compliance with the NW Forest Plan.

Response 179-206: Refer to Response 179-191 for a discussion of standards and guidelines and Northwest Forest Plan compliance.

4. Doesn't there have to be some kind of wetland delineation process when an activity is

addressed that might impact them? Not only do camps impact wetlands, but also the loose grazing of stock. Isn't wetland delineation necessary in all areas where wetlands might be impacted by the activity?

Response 179-207: Refer to Response 179-185 for a discussion of wetland delineation and the location of the analysis of impacts to wetlands.

4A. Were a type of wetland that is sometimes referred to as a "wet meadow" delineated and counted in the DEIS's analysis of impacts to wetlands? These are not as wet as what most people expect of wetlands, but don't they by delineation classify as wetlands?

Response 179-208: Wet meadows are often classified as wetlands. Refer to FEIS page 3-241 and in the glossary for definitions of wetlands.

There are some of these near camps and always some in grazing areas near outfitter camps. As said in the botany section of the DEIS, these are especially vulnerable to impacts of trampling because of the moist to wet soils. Impacts to these occur during grazing where stock congregate near streams and lakes and where topography forces them into a limited path which stock then make into a "user-made" trail. I suspect that much if not most of the preferred grazing areas for outfitter camps are in "wet meadows" that would qualify as wetlands if soil samples and plant species were used for wetland delineation. I spent a great deal of time studying wetlands during my visits to the Pasayten. I found that outfitters usually located camps near wet meadows and that these meadows were indeed "wetlands" IF proper wetland delineation techniques were used, wetland obligate plants and soil samples. Wet meadow type of wetlands are not covered with water, which is what many people feel is necessary for a meadow area to be a "wetland".

Response 179-209: Refer to Responses 179-185.

4B. Isn't the fact that the NE side of the Pasayten has so many areas of wetlands and hummock formations make it both unique and unsuitable for grazing horses/mules? Aren't both of these fragile, represent only a small part of the total landscape, and are usually productive habitats for plants and animals? Isn't this the wrong area to locate camps where 18 horses/mules will be grazing?

I was most struck by the unusually large areas of wetlands when visiting the NE parts of the Pasayten. Compared to other high elevation wilderness areas, this is so unusual. The wildlife habitat potential is great since so many species prefer wetlands. However I saw little wildlife. I never saw a single bear.

Response 179-210: Refer to Responses 179-185 for references to the wetland analysis; Response 179-134 for hummocks. The effects to terrestrial wildlife are disclosed in the FEIS beginning on page 3-270.

4C. How were wetland areas outside the 500 foot radius of camps identified? Was it through mapping as suggested in the DEIS? If it was based on mapping, how much ground-truthing occurred to check the accuracy of the mapping?

- A. Response 179-211:** Refer Responses 179-185, 179-194 and 179-195 for references to the wetland analysis. Wetlands and sensitive species habitats were identified with a combination of mapping and field verification (ground truthing). The wetland analysis was based on the U.S. Department of Interior and Fish and Wildlife Service publication "Classification of Wetlands and Deepwater Habitats of the United States". This is the best available information on wetland locations and types. This publication provided sufficiently accurate information for the analysis of impacts to wetlands from outfitter-guide activities. This wetland classification is not based solely on mapping or aerial photography, but combines that information with plant, soil and other ecological factors to designate wetlands. The number of acres of wetlands within the analysis area that could be impacted by outfitter-guide activities is insignificant compared to the approximate 8,357 acres of wetlands in the area. A higher level of accuracy in the exact number of potentially impacted wetlands and total wetlands was not needed to make this determination. Field surveys (ground-truthing) have been conducted to supplement the information from the publication. Refer to FEIS pages 3-238 through 3-239 for a description of these surveys.

4D. How was the total area of wetlands impacted beyond 500 feet of camps determined? Was it from mapping? Were aerial photographs used to map these impacted wetlands? Was there actual ground-truthing of wetlands in grazing areas to determine if they were impacted by grazing?

Response 179-212: The FEIS includes an estimate of the total number of acres of wetlands in the analysis area, and the number of acres of wetlands within 500 feet of established campsites. Those within 500 feet of campsites are most likely to be impacted by pack and saddle stock outfitter-guide stock and activities. Impacts to wetlands by loose grazing stock are disclosed on FEIS pages 3-239. Refer to Responses 179-129, 179-185 and 179-197.

4E. The descriptions of outfitter camp grazing areas in this DEIS (pages, 3-100 to 3-104) tell graphically that neither Alt. #2 nor #3 comply with the NW Forest Plan. The dozens and dozens of photographs I took around various outfitter camps and grazing areas also prove this. These photographs were part of my scoping comments that I gave to MVRD.

I saw and photographed a lot of trampling of vegetation which did not recover in one year above the Bald Mt. camp. Some areas were directly above camp around springs, the large emergent wetland (pond) and up on the pass area above the camp where the old trail reaches the top of the hill and a gorgeous view opens up. The wet meadows near the top of this pass and quite a ways down the other side were trampled. Little was caused by riders using the old trail. Stock had trampled through the mud and eaten vegetation along the several sides of the emergent wetland. Even the rocky side. The headwaters of a stream is (sic) behind this camp. The whole area was mud in June of 2000 when I visited. That was just a few days before use started up again. It hadn't recovered since the previous season's use. I don't know how many acres this one camp impacts. The worst damage I saw anywhere was at this camp. Why was this trail closed to protect resources, and yet this camp, which is damaging far more, was allowed to stay?

Response 179-213: Refer to Response 179-131 for the Bald Mountain camp. All input received from the commenter was reviewed and considered, and is included in the analysis file. Refer to section 3.6, Aquatic Resource for discussion of compliance with the Aquatic Conservations Strategy Objectives, beginning on FEIS page 3-227.

5. The NW Forest Plan, C-34, RM-1 and RM-2, address recreational uses within Riparian Reserves. These address small areas such as a camp don't they?

5A. Two Riparian Reserve (RR) S&Gs apply:

RM-1: "New recreational facilities within Riparian Reserves, including trails and dispersed sites, should be designed to not prevent meeting Aquatic Conservation Strategy objectives"

RM-2: "Adjust dispersed and developed recreation practices that retard or prevent attainment of ACS objectives. Where adjustments measures such as education, use restrictions, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy. "

Response 179-214: Refer to Response 179-191 for a discussion about compliance with riparian reserve standards and guidelines.

5B. Camps within "Riparian Reserves" were chosen to be "reserved camps" in Alt. #2. Stock is allowed to graze by running loose all night and they are in the nearby wetlands and areas of hummocks. How could it be decided that this is in compliance with RR standards?

Response 179-215: Refer to Response 179-191.

5B. This DEIS statement admits 117.2 acres of wetlands are impacted by outfitter camps. Is this compliance with the NW Forest Plan? Many more acres of wetlands are also being impacted in grazing areas and were not recognized or included in this 117.2 acres.

Response 179-216: Refer to Response 179-191 for a discussion about compliance with riparian reserve standards and guidelines, and Response 179-129 for loose grazing.

Most of the camps this DEIS chose to be "reserved camps", a new designation and use these camps did not previously have, are in riparian reserves. How could designating camps that will be used the hardest, by the largest groups, for the entire season, be in compliance with Riparian Reserve S&G?

Response 179-217: All assigned sites included in Alternatives 2 and 4 are existing assigned sites. Assigned sites have been part of the pack and saddle stock outfitter-guide permits for over twenty years, so are not a "new designation", as suggested by the commenter. The Okanogan National Forest Plan does refer to "reserved camps" in standard and guideline MA15B-21V. The term was changed to assigned sites in the existing permits and this FEIS to match current special use permit terminology. Two of the five assigned sites are within riparian reserves, the rest are outside reserves. Refer to Response 179-191 for a discussion about compliance with standards and guidelines. The Forest Plan amendments in Alternatives 2 and 4 would allow the outfitters to continue using these camps. The amendment in Alternative 3 would prohibit use.

6. Is the "reserved campsite" designation a new way to look at outfitter camp? Also "non-reserved" camps? Or have you had this in the past? Will there be a fee for use of "reserved campsites"? Was there previously for the Bald Mt. camp?

Response 179-218: As stated in Response 179-217, assigned sites have been part of the permits for over 20 years. The Bald Mountain (original location) and Sheep Mountain camps have been an assigned site since 1972. Other existing assigned sites include Whistler, Sheep Mountain, Crow Lake, and Beaver Creek. The outfitters with assigned sites pay a fee for that site, in addition to the standard permit fee. Refer to FEIS page 1-6 for this information.

7. Lakes. I've seen and photographed many lakeshores that were trampled and sometimes had compacted soils. It was from grazing stock. Damage to lakes was not even recognized let alone analyzed. It was only said stock wasn't hitched within 200 feet.

Response 179-219: Refer to Response 179-115.

7A. The damage is from grazing where camps are within 2 miles of lakes. Didn't I mention this a lot in my scoping comments? Didn't I submit many pictures of this?

I turned in a lot of data on this. It included information on the shoreline of Corral Lake. Stock walked all the way around the lake and trampled some shore areas. One shore of Lower Goat Lake on the PCT was grazed and trampled from drinking. Hopkins Lake on the PCT had trampled shores. A wetland bordered a lot of one side and was used by stock. Ramon Lake is extremely fragile because of extensive wetlands of many types near the lake and the lakeshore itself. All are near the main camp.

The shores of Rimmel Lake on several sides are used because stock is allowed to graze loose and uses areas within 200 ft. Some areas have very compacted soil and little vegetation. Outfitters used a camp adjacent to this area; the one that had the hitching post in the wetland. I hope it was closed.

Response 179-220: Refer to Response 179-115 and Response 179-185. The Corral Lake camp was restored and is no longer used as a full-service campsite. Impacts to Lower Goat, Hopkins, and Ramon lakes are disclosed in Chapter 3.8 Aquatics. Refer to Response 179-138. The commenter did submit scoping comments concerning lakes, and pictures of damage which were reviewed for this analysis, although the analysis was based on the findings of Forest Service monitoring and survey results.

8. Loose grazing stock trample and graze stream-side vegetation. They congregate in riparian areas to drink and socialize and create trails. Was this ever really addressed and impacts analyzed? Around the popular camp on the shelf up above Rimmel Lake and towards Amphitheater. It has wetlands and streams on both sides and they are impacted by grazing. Outfitter use causes the greatest damage because their stock run loose all night.

Response 179-221: Refer to Response 179-129 for loose grazing, and Response 179-185 for wetland analysis. The camp in question is infrequently used by the outfitters, so the impacts are from non-outfitted stock use.

There were several impacted areas across the bridge from the Spanish Camp cabin. There was trampling of vegetation and stream-side impacts that remained year after year around the horse camp upstream of the large barren area of the outfitter camp just across the bridge from the cabin.

Response 179-222: This camp has not been used by outfitters for over 10 years. Impacts are from non-outfitted use.

9. Should wetland hummocks be covered for compliance with the NW Forest Plan? They were never analyzed and only barely mentioned as they relate to habitat for sensitive plants. These are such special wetlands they require special attention. Were the areas where stock from outfitter camps ever surveyed for hummocks? Shouldn't they be mapped? Shouldn't all outfitter camps within grazing distance of these be moved?

Response 179-223: Refer to Response 179-134 for the location of the hummock analysis in the FEIS.

8. In compliance with the Clean Water Act and BMP as the DEIS says on Summary-17?

DEIS page 3-155 addresses the Clean Water Act and says Alt. #2 is in compliance and uses BMP. Doesn't it again say that mitigation measures ensure compliance? And again, what mitigation measures will prevent water pollution caused by manure from loose grazing stock? Wasn't only manure at trail crossings recognized and the conclusion that since it was small and local there was compliance?

Response 179-224: Fecal coliform is the measurement of amount of manure or other waste in water. The Clean Water Act required each state to develop water quality standards, and those water bodies not meeting specific standards are placed on the 303(d) list for those categories. As stated on FEIS page 3-170, none of the water resources within the analysis area are listed for fecal coliform on the 2008 Washington State 303(d) list. The FEIS discloses that there may be locally higher fecal coliform levels, but goes on to state that concentrations would be diluted by stream flow. Refer to FEIS pages 3-160 through 3-161, 3-176, and 3-230.

8A. DEIS, page 3-155 address these:

"The Forest Service responsibilities under the Clean Water Act are defined in a November. 2fJ(J) Memorandum of Understanding between the Department of Ecology and the Forest ServiceThis means that the Forest Service is responsible for defining and implementing appropriate Best Management Practices (BMP) for National Forest land. Mitigation measures were developed by the IDT for this project and incorporate BMPs. Mitigation measures are

identified in Chapter 2. "

8B. Exactly what mitigation measures incorporate BMPs besides the one on human feces? Are there any addressing manure from grazing? I couldn't find these.

Response 179-225: The Best Management Practices included in the Mitigation Measures in Chapter 2. They are specifically discussed in Chapter 3.5 Hydrology, FEIS page 3-177.

1. This DEIS constantly says mitigation measures will ensure compliance with this and that standard. As in this example, it often does not name the exact ones it is referring to. To understand and believe this is true, doesn't this force the reader to figure out which one/ones? I read all of the mitigation measures carefully and I can't find many, if any, that would ensure compliance with the Clean Water Act.

Response 179-226: Mitigation measures (Best Management Practices) pertaining to water quality are discussed on FEIS page 3-177.

2. As usual, when I read through the mitigation measures I find many that don't even seem to be real mitigation measures. Shouldn't real mitigation measures require that the outfitters do something to comply? Under mitigation for #7, aquatic issues, which ones will outfitters do to bring Alt. #2 in compliance with the Clean Water Act?

Response 179-227: Alternative 2 will comply with the Clean Water Act for the reasons stated in Response 179-224. Outfitter-guides will be required to comply with all the mitigation measures because they will be incorporated into annual operating plans (refer to FEIS page 2-19).

3. The practice of loose grazing means that stock will still graze next to streams, lakes, and/or wetlands. When grazing in these areas, they leave a lot of manure next to these. I sent many photos of this to MVRD. Is allowing manure deposits next to waters, as this DEIS does, comply with the Clean Water Act and the BMP? I know this has happened in the past but this DEIS allows this to continue into the future, so the future impacts matter don't they?

Response 179-228: The impact of loose grazing on water quality and fecal coliform levels are disclosed in the FEIS on page 3-173. Refer to Responses 179-130 and 179-224.

4. In the western part of Washington the practice of putting feces next to water is being phased out as part of these directives. Streams are being fenced off so livestock does not impact them with feces and trampling. Dog feces cannot be deposited near water. Dairy operations and chicken ranches no longer can contaminate water sources.

Response 179-229: Regulations and restrictions pertaining to livestock, dogs, dairy operations, and chicken ranches in western Washington are irrelevant to this analysis, or this project's compliance with the Clean Water Act. See Response to 179-224.

5. The DEIS states in the summary charts that the outfitter activities will call (sic) some Water pollution (aquatic water quality) but that it will be minimal and localized. In section #3 I explain

why this isn't acceptable. Aren't other forest users taking water out of small, local streams for drinking, etc.? Isn't a small, localized area of water pollution a very BIG and unacceptable impact that this DEIS should recognize?

Response 179-230: Refer to Responses 179-130, 179-224, and 179-223. The Forest Service does not recommend ever drinking unfiltered water from mountain streams or lakes, since there is constant fecal contamination of water from wildlife, people, and recreational stock. None of the alternatives would alter this recommendation.

I address this in detail in section #3 on grazing. It is the loose grazing horses stock belonging to outfitters that is causing the water pollution. I have faith that MVRD is getting camps far enough from water sources to prevent them polluting water. However, isn't there a possible problem of contamination from camps too since so many are within 500 feet of wetlands? (according to this DEIS)

Response 179-231: Refer to responses 179-130 and 179-224 for water pollution impacts from loose grazing. Refer to Response 179-185 for references to the wetland analysis. Refer to response 179-230 relating to human use of wilderness water.

Section #4

The Poor Location of Many Outfitter Camps

Some of this section is addressing problems with the locations of "reserved camps" but much of it also applies to locations of "non-reserved" sites that outfitters are allowed to use.

If the impacts caused by the location of some "reserved camps" are analyzed, how can there be any reasonable justification for keeping them for any kind of use, let alone for the hardest use of all, being an outfitter's "reserved campsite"?

Response 179-232: Refer to Response 179-28. The purpose of this EIS is to disclose impacts; NPEA does not require a finding of no impacts.

Why are outfitters being allowed to use non-reserved campsites just because they've used in the past? Many are unsuitable for any stock users who let their horses/mules run loose to graze.

Response 179-233: The environmental analysis of impacts from camp use is not limited to assigned sites. The effects of use at non-assigned sites are discussed the resources sections of Chapter 3. The outfitters are allowed to use established campsites with prior approval. Refer to Response 179-129 for information on the effects of loose grazing.

1. Different kinds of impacts around outfitter campsites at an outfitter's camp, different kinds of impacts occur and they occur at different places. To really understand impacts, I separate them by kind and place. Camp location is critical to reducing the second kind of impacts.

1A. One kind of damage: At the "people area".

I DO believe that impacts at the "people area" of a camp such as the size of barren core, number of damaged trees, or human-caused water pollution can be minimized IF there are good management plans, good mitigation measures, and frequent monitoring. This area is small and easy to control.

Response 179-234: Refer to Appendix B for typical camp components, and the size of the barren core associated with these components. Some of these are the "people area" the commenter references. Mitigation measures require camp management plans and other monitoring and mitigation (mitigation measures begin on FEIS page 2-15, and the monitoring plan begins on page 2-26). Effects to these camps are analyzed throughout Chapter 3 of the EIS.

1B. The second kind of damage: At the area where 18 horses/mules run loose all night. These impacts are much more difficult to control. Horses/mules cause a lot more damage, it is spread over a larger area, and they are hard to educate on LNT principles and mitigation measures. The location of a camp is critical when trying to limit and minimize damage caused by 18 loose horses/mules.

Response 179-235: Refer to Responses 179-28 and 179-129.

2. Some impacts of loose grazing horses/mules are of major importance, such as damage to hummocks, sensitive plants, wetlands, streams, lakes, etc. Since these impacts would not occur, couldn't they be looked at as "unnecessary"? Moving a camp away from these would significantly reduce these serious impacts. Yes, there will be damage at the new camp, but it will be damage to less fragile and less critical resources. Isn't this what the non-degradation policy is all about?

Response 179-236: Refer to Response 179-134 for hummocks and 179-129 for impacts from loose grazing. Response 179-28 addresses impacts of assigned sites. Refer to response 179-30 for information on water quality. Refer to response 179-131 regarding information about the differences between using existing camps and creating new ones. Refer to response 179-266 for information about sensitive plants.

2A. Hopefully this EIS signals a new beginning for the way commercial outfitting is managed in these wilderness areas.

Response 179-237: Refer to FEIS page Appendix F-4 for a list of actions the Forest Service has taken to improve outfitter-guide permit administration. This EIS contains additional mitigation measures and requirements that will reduce current impacts from pack and saddle outfitter-guides in wilderness, particularly at camps. Refer to all mitigation measures in Chapter 2 of the FEIS (pages 2-19 to 2-26), and in particular pages 2-19 through 2-21 for specific mitigation within camps.

2B. Isn't this the right time to make changes and improvements instead of perpetuating past

errors? Many impacts could be reduced by moving some camps. In this DEIS, I see important changes in some things like practices around camps, but sadly, there is none in the location of camps.

Response 179-238: Refer to Responses 179-28, 179-131, 179-141, and 179-237 for information on outfitter camps.

3. How did someone decide to use the non-gradation policy as the reason to keep some old camps that couldn't have worse locations? Do you really believe loss (sic) damage will be caused by keeping them rather than moving them to a better location where they will impact less important resources?

Response 179-239: Nowhere does the DEIS state that camps cannot be relocated. Using established campsites instead of creating new ones is part of the non-degradation policy (refer to Response 179-131), but camps would be closed to protect resources when necessary. The process for closing camps to protect resources is stated in Mitigation Measure 1g), on FEIS page 2-20. Refer to Responses 179-28 for information on the analysis of assigned sites.

3A. To compare damage, shouldn't the total degradation that occurs over many years be considered rather than just the initial impacts caused when a new camp is created?

Response 179-240: No new camps would be approved in this FEIS. The existing condition of assigned sites and the larger camps, and the projected effects of the alternatives, including cumulative effects (the effects of past, present and future use) are disclosed in the FEIS. Refer to Response 179-25 for location of historic use information, Response 179-28 for assigned site analysis, and Responses 179-131 and 179-141 for other camp analysis.

3B. Was this use of the non-degradation policy based on a belief that the negative impacts at the old camps have significantly decreased with improved camp management? This may decrease impacts in "people areas", but how will it minimize the negative impacts from 18 grazing horses/mules?

Response 179-241: The surveys of outfitter-guide camps completed in 2011 and 2012 found improving conditions at all sites for which previous data existed (beginning on FEIS page 3.44). In addition, wilderness range condition surveys found improving conditions in utilization (FEIS page 3.350). These findings (in addition to other resource conditions disclosed in Chapter 3) demonstrate that wilderness character is on an improving trend (FEIS 3-32.). The non-degradation policy (from the time of wilderness designation) is discussed on FEIS page 1-21 in relation to the findings of current research that concludes using existing campsites is more likely to comply with the non-degradation principle if the result of closing camps is creation of a new camp in another location. If unacceptable impacts occur at any camp, the camp would be closed (mitigation measure 1g).

3C. Didn't the DEIS recognize often that current use does impact important resources like wetlands, streams, lakes, hummocks, and sensitive plants? I thought for some reason wetlands,

etc. impacted by grazing were not included in the 117.2 acres of wetlands that the DEIS said was impacted.

These pages in the DEIS do suggest negative impacts from grazing: To wetlands, riparian, soil, vegetation on pages: 3-109, 3-110, 3-112, 3-116, 3-125, 3-154, 3-155, 3-185, 3-187, 3-186, 3-187, 3-203, 3-196, 3-197, etc. To water quality: pages 3-158, 3-186, 3-187, 3-160, 3-161, L2, L3, L4, 3-160, 3-161, etc.

Response 179-242: Refer to Response 179-195 for explanation of the 117.2 acres of wetlands. As the commenter points out, the impacts of grazing are disclosed in the document on the noted pages. The purpose of this EIS is to disclose impacts; NEPA does not require a finding of no impacts. Refer to Response 179-129 for more references.

3D. Was the belief that there would be less damage if the old camps were used based on the claim that mitigation measures would decrease the impacts at the old camps? Some will inside the people area, but what about at the grazing areas?

Response 179-243: Refer to Response 179-129 for loose grazing.

Which of these mitigation measures would reduce damage caused by loose horses/mules grazing around old camps?

Response 179-244: Refer to Response 179-129. Loose grazing itself is a mitigation measure to reduce potential impacts from stock containment and concentrated grazing. The mitigation measures under #8 would minimize impacts from grazing and stock containment.

- 1. Example: Mitigation # 5c) It might decrease some damage to the small areas where stock leave camps and head out to grazing areas, but it will not change anything in grazing areas. As stated, however, it will change nothing because it says is that travel routes will be "identified". Loose stock will not use only the identified travel routes. The DEIS is just plain wrong when it claims #5c will lower impacts of grazing away from camps, which it often does.*

Response 179-245: This mitigation measure (5c on DEIS page 2-11) was revised in the FEIS to state that stock travel routes between camps and grazing areas would be managed to minimize impacts to wetlands (FEIS 10c on page 2-24). This mitigation would reduce impacts to wetlands and other areas stock cross on their way to grazing area by controlling the number of stock trails, and blocking or otherwise closing excess trails. Resource impacts in grazing areas were found to be well within utilization standards, and not interfering with natural plant succession.

- 2. Example: Mitigation #3e) It will not stop stock from grazing within 200 feet of lakes which is a violation of a CFR and Plan S&G. As long as outfitters camp within 2 or 3 miles of a lake and let their stock run loose to graze, stock will end up at lakes. The DEIS is wrong when it claims #3a will protect lakes, yet it often does.*

Response 179-246: Refer to Response 179-115.

3. *Example: Mitigation #1h) This one is very amusing. The DEIS picks the Bald Mt. camp as a "reserved camp". Obviously NO existing campsites will be closed to protect resources.*

Response 179-247: Refer to Response 179-131 regarding moving camps, and responses 179-135, 179-139, 179-142, 179-143 and 179-145 regarding Bald Mountain camp.

4. *Example: Mitigation #1o) Who thinks loose grazing stock will follow this one and stay off existing trails? The DEIS claims this.*

Response 179-248: Nowhere does the DEIS/FEIS claim that loose grazing stock will stay off established trails. This mitigation measure (#10 in the DEIS, and 6a on FEIS page 2-22) pertains to unapproved construction or maintenance of new trails. The analysis of loose grazing was expanded in the FEIS. The potential for loose grazing stock to occasionally be on trails is disclosed on FEIS pages 3-52, 3-73, 3-77, and 3-80.

5. *Example; Mitigation #3h) Loose stock will not stay away from trails and travel routes.*

Response 179-249: This mitigation measure (#8f FEIS page 2-23) specifically states that stock must be ridden or led, except when grazing. Stock will not be allowed to run loose on trails or travel routes. If stock are found to be using system trails to access grazing areas, the situation will be corrected through permit administration. Refer to Response 179-129 for effects of loose grazing.

6. *Example: Mitigation #3g) loose stock cannot be kept in suitable grazing areas during times or areas of high use. Most of the Rimmel area fits these most of the time, yet mitigation says 2 or 3 outfitted parties are allowed to use it at once.*

Response 179-250: Refer to Response 179-129 for loose grazing. This mitigation measure (renumbered to 8f in FEIS, page 2-23) states that stock could be limited to designated suitable grazing areas during high use times or in high use areas. This measure would limit loose grazing when necessary, such as during times of high use. Additionally, mitigation measures 8c and 8g would require outfitters to use supplemental feed when insufficient graze is available.

7. *Example: Mitigations #3a) and #3i) Using supplemental feed will not stop grazing impacts to streams, etc. unless stock was (sic) then not let loose. It is highly unlikely that supplemental feed will be required or stock will be tied up.*

Response 179-251: These mitigation measures (renumbered to 8c and 8g on FEIS page 2-23) require supplemental feed in certain situations, to be determined based on resource conditions, and prohibit grazing when necessary. In these cases, stock would not be let loose to graze. Supplemental feeding without loose grazing is not the preferred method because of the concentrated impacts. Refer to Response 179-129.

8. *Example: Mitigation #6a) No loud noises. Loud clanging bells on loose stock violate this all the time.*

Response 179-252: This mitigation measure (#11a on FEIS page 2-24) is shown under the wildlife mitigation and is designed to reduce impacts to wildlife. There is no evidence that the noise from bells on stock would disturb wildlife to the point that they may leave an area or nest site.

9. Example: Mitigation #7c) The DEIS recognized stream edges are being impacted by stock. Loose horses/mules do eat forage along stream banks.

Response 179-253: Refer to Responses 179-187 and 179-191 for information about effects to riparian areas, and 179-129 for loose grazing.

10. Example: Mitigation #5a) (also a Plan S&G) In parts of grazing areas, trampled vegetation does not recover in one year. The botany report said this. I have dozens of photos from around Bald and Beaver and other places that show no recovery when camps were starting to be used again the end of June and first of July. These camps were occupied a few days later.

Response 179-254: Refer to the Natural Plant Succession discussions on FEIS pages 3-252 through 3-253, 3-255 through 3-256, 3-258, 3-261, 3-264, and 3-267. The consistency statement is on FEIS page 3-270.

11. Example: Mitigation # 7a, 7b, and 7e. Do any of these require outfitters to do anything at all? What impacts will they reduce? Are any of these even mitigation measures?

Response 179-255: 7(e), now 12(c) in the FEIS, gives specific direction on when Fish Camp would be closed to reduce impacts to redds. The other two mitigation measures were dropped in the FEIS because the commenter was correct. The effects and effectiveness of mitigation measures for the Aquatic Resources are discussed beginning on 3-220.

12. Example: Mitigation that limited group size to 12/18 was even used as a mitigation measure that would reduce damage to vegetation. Page 3-110.

Response 179-256: There is no mitigation measure to limit party size to 12 people and 18 head of stock. This is the current party size limitation in the Forest Plans, and would be part of Alternatives 2 and 4. Alternative 3 would reduce the party size to 12 for the outfitter-guides. The impacts of these alternatives, including the party size, on vegetation are disclosed in the Botany section of Chapter 3, beginning on FEIS page 3-254.

3E. Won't degradation of resources at the old sites from grazing continue as long as they are used? There is no mitigation that will stop it. Degradation from grazing will go on year and year after year. Damaged resources do not have time to recover between uses. Isn't this what the botany report said?

Response 179-257: The botany report cannot be summed up by saying that damaged resources do not have time to recover, as the commenter suggests. In fact, the botany report found that grazing is creating small, isolated areas of impact, but not trending sensitive species towards listing, altering plant succession, or causing unacceptable impacts

to wetlands. Outfitter pack and saddle stock grazing in and around campsites would not result in further landscape modification of natural plant succession due to the limited amount of area where the animals graze and the small number of animals compared to past use, and other current use by the public. Refer to Chapter 3.7 Botany.

4. Was this use of the non-degradation policy based on the belief that degradation at these old camps would continue even IF old camps were closed? Sometimes the DEIS seemed to be saying this. I don't agree. I think it would stop as soon as the camps were closed.

Response 179-258: Refer to Response 179-241 for information on the non-degradation policy. Refer to Responses 179-28, 179-131, and 179-141 concerning degrading conditions at established campsites. Refer to Responses 179-131 and 179-239 in response to the suggestion that the FEIS states that closing camps is not effective in reducing or eliminating resource impacts. Refer to Response 179-241 in response to effects of establishing new camps to replace old camps.

*4A. MVRD closed two camps near Remmel Lake. Why?
Doesn't this mean MVRD believes the impacts will end at these old (sic)
Yet MVRD will not close an outfitter camp that is just as badly located.
Are the rules different for outfitter camps than public ones?*

Response 179-259: Refer to Responses 179-131, 179-138, and 179-239.

4B. If an outfitter camp is in such a bad location that it must be closed to outfitters, shouldn't it also be closed to all horse use, private too? Yet often the DEIS claimed that even if outfitters did not use the camp, other groups would, so the damage would continue. Why wouldn't the problem camp just be closed to everyone?

Response 179-260: Closure of camps to all horse use is beyond the scope of this EIS to issue respond to outfitter-guides request to issue ten year permits. Refer to Eliminated Issues on FEIS pages 1-30.

4C. Couldn't a new location be found for a reserved camp that will cause less serious damage than the old site? By using the non-degradation policy to keep old camps, it implies that damage will be greater at the new site than the damage happening at the old site.

Response 179-261: Refer to Response 179-131 for information on the Bald Mountain camp, 179-239 for information about closing camps, and 179-241 for the non-degradation policy.

I suggest that the new damage at the new site is not be (sic) as critical as the damage at the old site. All damage is not all equal.

Response 179-262: The commenter is correct in stating that not all damage is equal, but over-simplifies resource impacts by stating that new damage is always less than existing damage. The decision to close a camp and create a new one would be done using site specific resource information for the existing campsite, and potential impacts to the actual

location of the new sites. Without site specific information, and judgment of new damage versus old damage cannot be made. However, this FEIS found no currently unacceptable conditions that would warrant closure of any camp. Refer to discussions of camp conditions and effects throughout Chapter 3.

5. Aren't some kinds of damage just plain unacceptable? Yes, there will always be impacts from human use. But I suggest that some kinds of degradation are worse than other kinds. It seems like the DEIS considered all kinds of impacts in the same way.

Response 179-263: No unacceptable impacts were found with any of the alternatives. Resource specific analysis and disclosure of the impacts are included in each section of Chapter 3.

5A. How important really is the size of the barren core and the number of dead trees in a campsite? On the big scheme of things, aren't these minor when compared to water pollution or trampling of hummocks? Yet over and over again it was said that the Forest Plan amendment to limit barren core would greatly decrease impacts.

Response 179-264: The purpose and need for the forest plan amendments is described on FEIS page 1-20. The number of dead trees in campsites is not a condition with a specific standard and guideline, nor is it analyzed. Refer to responses 179-134 for hummocks and 179-130 for water quality. Nowhere in the DEIS or FEIS does it state that the Forest Plan amendments for barren core would "greatly decrease impacts". Rather, they state that the amendment would have a minor beneficial impact to opportunities for solitude (FEIS pages 3-70, 3-75, and 3-78) and would allow barren core in excess of the new allowed amount to slowly recover. In fact, the DEIS and FEIS acknowledge that recovery would be small and slow because of the harsh and short growing season (FEIS pages 3-63, 3-71, and 3-75).

5B. One mitigation measure even suggested that outfitters use natural colored tents as an LNT practice. How important is this when compared to manure in streams which was passed over as minor and localized?

Response 179-265: Mitigation measure 1 b) on DEIS page 2-8 pertains to leave-no-tracing camping techniques, however the reference to the color of tents in the DEIS was removed with the revision of the mitigation measure for the FEIS. The revised mitigation measures, 5a and 5b, are on FEIS page 2-22. Refer to Responses 179-130 and 179-224 for references to water quality analysis, including manure in streams.

5C. Aren't many impacts such as damaging and destroying hummocks and small populations of sensitive plants far worse and maybe just plain (sic) unacceptable? Yet this DEIS chose camps to be "reserved sites" that do just this.

Response 179-266: Refer to Response 179-134 for hummock analysis. The effects on sensitive plants is on FEIS pages 3-244 through 3-252, 3-257, 3-260 through 3-261, 3-263 through 3-264, 3-266 through 3-267, and 3-270. None of the alternatives would result in loss of species viability nor result in a species becoming threatened, endangered, or create

trends towards Federal listing.

5D Aren't impacts to wetlands, streams, and lakes unacceptable? This DEIS passed them off as fine because they impacted only a small % of the total landscape. Meanwhile a mitigation measure requires outfitters to keep their woodpiles neat.

Response 179-267: No unacceptable impacts were found. NEPA does not require the elimination of all impacts. Refer to Responses 179-185 for wetlands, Response 179-187 and 191 for riparian areas (streams), and Response 179-115 for lakes. Mitigation measure 3c directs outfitters to not cover firewood piles and place the piles so they are out of sight of any system trail; these would minimize impacts to wilderness character (FEIS page 2-14).

5E. Aren't impacts to marmot colonies just plan (sic) unacceptable? How many marmots live in NE part of the Pasayten? There are not many suitable habitats for them and marmots cannot successfully just move over a little when pushed out by an outfitter camp. Why is a reserved camp located next to a population of marmots?

Response 179-268: Refer to Response 179-121. Mitigation measures that would be applied to pack and saddle outfitter guides would not only prevent both the establishment of new camps and growth of existing camps, but also would slowly decrease the size of those that are over the camp size limit set for Alternatives 2 and 3.

5F. Isn't impacting lakes by letting horses/mules graze by them very wrong? The DEIS did say, over and over again, that a mitigation measure would prevent this from happening. Aquatics. Water resources. Etc. Yet at the same time it told outfitters to let their horses loose to graze? Do the people writing this DEIS really believe loose horses follow this mitigation measure? As long as outfitters are allowed to use camps within 2 or 3 miles of lakes, loose grazing horses will be at those lakes. Many locations of "non-reserved camps" are near lakes, such as at Goat, Corral, Roman, Sheep, Hopkins, etc.? How can this DEIS think that loose horses/mules respect this mitigation measure?

Response 179-269: Refer to Response 179-115 for information on effects to lakes. The analysis does not rely on mitigation measures to reduce impacts from loose grazing. Rather, loose grazing is the preferred method to reduce impacts (#8a FEIS page 2-23). Loose grazing disperses and minimizes impacts from grazing. Refer to Response 179-129 for location of loose grazing analysis in the FEIS.

5G. Aren't many reserved and non-reserved camps located close to wetlands and so most loose grazing occurs in these wetlands rather than on drier hillsides? Aren't many of the grazing areas wet meadows that would classify as wetlands if proper delineation was done?

Response 179-270: Refer to Response 179-185 for information about the wetland analysis.

a. Have MVRD staff worked out wetland delineations for these?

Response 179-271: Refer to Response 179-185 for information about wetland delineation, and Response 179-208 for wet meadows.

b. I spent a lot of time in these wet meadows and found many are indeed wetlands, even though they are not wet all summer.

Response 179-272: Refer to Response 179-208.

c. When I talked to an ONF botanist in 2000 he told me that most wetland maps ONF used had not been "ground truthed" and this was needed to check how accurate they were. I started to do this in 2000.

Response 179-273: Refer to Response 179-211 for information about ground-truthing.

5H. Should outfitter camps be located next to and across popular trails and routes to very unique places? The camp at Bald Mt is. What was MVRD thinking when it closed this main trail to prevent resource damage and then it made this camp that was causing far more damage a "reserved camp"?

Doesn't it sprawls (sic) across the main route that accesses that the most beautiful side of Bald Mt.? It is impossible to go there without walking through this camp. Just above this camp there is one of the most spectacular views in the Pasayten. It is one of my very favorite places. I found the Bald Mt. camp one day when I was trying to again hike up to that viewpoint. I kept ending up in the middle of this camp which hadn't been there on my previous trips.

Response 179-274: The Bald Mountain camp is not located along the main trail passing through the Spanish Camp area (refer to FEIS page 3-188), however the trail accessing the camp does lead to Bald Mountain. The Forest Service did not close this trail, as the commenter suggests. Refer to Response 179-131 for information on the Bald Mountain camp, including impacts to wilderness character.

6. Can't new locations be found that don't impact the most important resources? All camps impact something. But doesn't changing impacts to less important resources mean less important degradation? Wouldn't reducing impacts to key resources like hummocks meet the intent of the non-degradation policy?

Isn't moving an outfitter camp to protect natural resources just what both the Wilderness Act and non-degradation policy are all about?

Response 179-275: All resources are important, and the goal of wilderness management is to maintain or improve wilderness character from its state at the time of wilderness designation. Creating a new camp creates new impacts to natural resources and degrades previously unimpacted areas. Refer to Response 179-241 for information about the non-degradation policy. Refer to Responses 179-131 and 179-239 for information about the closing camps when necessary. Refer to Response 179-134 for location of the hummocks analysis. All wilderness users, including hikers, have impacts.

- 6A. Forest Service manuals on managing outfitter permits and policy say clearly that resource protection should come first, and wishes of outfitters second.
- 6B. Forest Service manuals and policy clearly state that outfitters themselves should be required to put resource protection before their private wishes and profits.

Response 179-276: Forest Service Handbook 2709.11, Chapter 40 gives direction on outfitting and guiding (refer to analysis file for a copy). Section 41.53q directs that the terms and conditions of outfitting and guiding permits be met, and that use is consistent with applicable federal, state, and local law. These terms and conditions do include direction about protecting the wilderness resource.

- 6C. The view from the campfire area of the Bald. Mt. camp is spectacular. Is this why outfitters will not let MVRD close it?

Response 179-277: The outfitter-guide who uses the assigned Bald Mountain camp is not keeping the Forest Service from closing the camp, as suggested by the commenter. The environmental impacts of the Bald Mountain camp have been studied and conditions are currently acceptable (refer to Response 179-131 for FEIS locations of the Bald Mountain camp resource analysis). Also refer to Responses 179-138, 179-144, and 179-239 for a discussion concerning closing camps.

7. Shouldn't locations for "reserved camps" be very carefully chosen because they will be used hard by very large groups with 18 horses/mules during the whole summer? Instead, it seems like outfitters just kind of pick sites they like with no concern for resource damage.

7A. Shouldn't a skilled ID team choose locations for reserved sites rather than outfitters? Shouldn't the DEIS address this issue? Instead it just lets outfitters stay in whatever camps they like.

7B. Why are outfitters choosing their own reserved camp locations rather than Forest Service resource specialists?

7C. Why aren't standards developed for where an outfitter's reserved campsite should be located? A skilled ID team could identify the most important resources to protect from grazing stock.

7D. Why aren't these standards then used to find the best sites for reserved camps in the future?

7E. Why aren't current camps that are in the wrong locations closed and new ones opened at the sites an ID team approved?

Response 179-278: All assigned sites are existing. Resource conditions at the sites have been evaluated, and the impacts are disclosed in the FEIS and were found to be acceptable (refer to Responses 179-28 and 179-141). Using existing sites has been found more in keeping with the non-degradation policy, as stated in the FEIS on page 1-21. Camps can be relocated when needed for resource protection. Refer to Responses 179-131, 179-138, 179-144, and 179-239 for discussions about closing camps.

8. Don't some of the "reserved camp" locations violate Forest Plan S&G and DEIS mitigation?

Response 179-279: Refer to Response 179-28 for location of analysis of assigned sites.

All comply with Forest Plan standards and guidelines, as amended in each alternative. Compliance statements are at the end of each resource section in Chapter 3. Management of the camps is ongoing and part of the special use permit administration process, so the mitigation measures will be used in camp management into the future.

8A. Mitigation #6a) says to locate camps away from water sources.

Response 179-280: This mitigation measure was re-numbered to 11a in the FEIS (page 2-24). It was designed to comply with habitat management requirements for threatened and endangered wildlife species, and to reduce the possibility of negative encounters between people and wildlife. Refer to the document for the full measure. It states that activities that may disrupt wildlife, such as camping near water sources and other factors, shall be avoided. The analysis of effects to terrestrial species begins on FEIS page 3-270. None of the established camps, including the assigned sites, were found to have unacceptable impacts to wildlife.

8B. ONF Plan S&G MA15B-21U says outfitter camps shall be located away from main trails, streams, lakes, key interest features. This S&G uses the words "camp structures and facilities" which must mean reserved outfitter camps. It is clear that this means outfitter camps when the following MA 15B-21 V and MA 15B-21W are read. MA 15B-21W says that all structures and facilities at outfitter camps shall be dismantled at the end of the annual use season."

Response 179-281: Standard and guideline MA15B-21U does not say that all camps shall be located away from main trails, etc., as suggested by the commenter. Rather it states that all camp structures and facilities shall be temporary and located away from main trails, streams, lakes, key interest features, and non-outfitted public use areas. "Camp structures and facilities" does not mean assigned sites, but refers to constructed structures and facilities, such as tents, latrines, and highlines. MA15B-21V gives direction on reserved camps (now called assigned sites), and MA15B-21W states that all structures and facilities shall be dismantled and removed at the end of the season. The alternatives comply with these standards and guidelines.

8C. ONF Plan S&G MA15B -21L says "Campsites shall be located at least 200 feet slope distance from meadows, lakes, streams, and key interest areas. Camping may be restricted or prohibited in certain areas to protect wilderness values. "

Response 179-282: A forest plan amendment was added to the FEIS to address this inconsistency. Refer to Response 179-114.

8D. Mitigation #1h) If existing campsites need to be closed to protect resources, additional sites may be designed by the Forest Service, and approved in advanced of use."

Response 179-283: This is an accurate quote from the DEIS. The mitigation measure was renumbered to 1g in the FEIS and is found on page 2-20.

9. Don't poor locations for reserved camps give the wrong message to other wilderness visitors and clients? It looks like neither MVRD or (sic) the outfitters follow basic principles of LNT and

the non-degradation policy?

9A. Other forest users recognize that some outfitter camps are poorly located and are causing unnecessary resource damage.

9B. If outfitters really teach LNT to clients, this resource damage is in most LNT pamphlets and books.

9C. It may look like outfitters have the special privilege of causing unnecessary damage. This makes it difficult for outfitters to be models of LNT.

Response 179-284: Refer to Response 179-28 for references to analysis of assigned sites. Refer to Responses 179-10 and 179-13 for information on Leave-no-trace requirements. Outfitters are not causing unnecessary damage in campsites, as documented in the analysis referenced in Response 179-141.

Locations of "non-reserved" camps

Why weren't the locations of "non-reserved" sites that outfitters will use given in the DEIS?

Aren't most of the negative impacts of outfitter use occur (sic) where they camp? People commenting on this DEIS should have been given this information?

Response 179-285: Appendix E in both the DEIS and Appendix A in the FEIS list all the camps currently used by outfitters, gives their camp name, season of use, type of use, and legal description. The DEIS stated (DEIS, pages 3-42, 3-46) that the outfitters would use the campsites included in DEIS Appendix E. The FEIS includes this information on pages 1-6, 2-9, 2-13, and 2-17. Map 3.2-1 shows the location of the camps in the Pasayten, and 3.2-2 shows the camps in the Lake Chelan-Sawtooth. The current effects of the camps on wilderness character are 3-36 through 3-64, 3-70 through 3-72, 3-74 through 3-77, and 3-78 through 3-80. The effects of the camps on each resource are disclosed in the various sections of Chapter 3. Refer to Response 179-141.

I. When the outfitter with 18 horses/mules and 12 people pull into a site and set up camp it is a big deal. This creates a lot of noise and trampling. When he turns the 18 horses/mules loose the whole valley changes as the animals roll and roll, rush to streams to drink, and then run off to graze and explore.

1a. Other users care a lot about where outfitters camp. The only reason I am involved in this issue at all is because an outfitter with a party of 12/18 arrived when I was camped at Goat Lakes and impacted the whole area in ways I had never imagined.

Response 179-286: Non-substantive comment, but noted.

1b. The outfitter's greatest impacts occur at the spot where he camps. The exact location of the camp will determine how great the impacts area. There is no way to comment on these impacts without knowing where the camps are located.

1c. Wouldn't a lot of people have a lot of knowledge about which camps might work well and which ones might not? Without the list of sites in the DEIS, isn't it impossible for you to hear

what people think about this?

2. Only a few vague things were said about the "non-assigned campsites in the DEIS. For instance it said that: "camps must be approved in advance". What does this mean? Who will approve them? What criteria will be used.

3. The DEIS had a list of what camps each outfitter has used in the past. It does not say if these are the camps that will be approved for future use. Should we assume this?

4. Will the approval process be like the one used to select the Bald Mt. camp as a "reserved camp"? Who and how was that decision made?

Response 179-287: Refer to Response 179-285. The outfitters must notify the Forest Service of all trips, and the camping locations are reviewed and approved or denied at that time. The approval would be based on whether or not the camp is large enough to accommodate the use, and whether or not the camp has been closed for resource protection. The original Bald Mountain campsite was used for decades as an assigned site, in the same vicinity of the current camp. The outfitter chose the current location and created the new camp without authorization. After field review of the new camp, the Forest Service authorized use of the new camp, but prohibited the use of the original location to allow it to recover to natural conditions.

5. Shouldn't an ID Team select the camps, not outfitters? What camps and areas are really appropriate for parties of 30? What criteria should be used when choosing sites for outfitter use? Have you considered these issues when thinking about "non-assigned" campsites?

Response 179-288: Neither the Forest Plan nor this EIS allow "parties of 30." Party size is 12 people and 18 head of stock. Campsite selection is a joint process involving the outfitters and the Forest Service. Mitigation measure 1g on FEIS page 2-20 prohibits outfitters from creating new campsites. This applies to assigned and non-assigned camps

Perhaps a list of approved camps would only apply to outfitters using more than 8 horses/mules. It would not apply to outfitters using llamas or burros.

1. Private parties sometimes have up to about 10 horses/mules but they don't let them run loose all night which is a major problem with horses/mules belonging to outfitters.

b. Llamas outfitter don't (sic) let their llamas run loose all night. Llamas cause less damage than horses because of their feet

c. Burro outfitters don't let them run loose all night. Burros cause less damage because they are smaller.

2. Camps used in the past by outfitters would not necessarily be on the list. Each would first be evaluated to see if it was appropriate for groups of 30 with free roaming horses/mules. I don't believe some are.

Response 179-289: Neither the Forest Plan nor this EIS allow "parties of 30." Party size is 12 people and 18 head of stock. The camps included in Appendix E will be available to all pack and saddle stock outfitter-guides, in addition to any other established site large enough to accommodate a stock party, unless unacceptable resource conditions develop (refer to Response 179-285). As stated in earlier responses, loose grazing is the preferred grazing method. Refer to Response 179-129 for information on loose grazing.

3. Aren't there some kinds of camps that just aren't appropriate such as:

3A. Camps within grazing distance of lakes. (Hopkins, Corral, Ramon, Goat, Sheep, Rimmel, etc. This DEIS never figured out that loose horses/mules turn up at lakes even though a CFR and mitigation measure says they aren't suppose **(sic)** to. To prevent this, camps can't be within several miles of a lake. When I was camped at Goat Lake, the outfitter's stock ran all over the valley including the lake.

Response 179-290: Refer to Response 179-115 for information on impacts to lakes. Impacts at lakes are not only caused by outfitter-guides, as indicated by closure of camps at Rimmel Lake in approximately 5 years ago.

3B. Camps that are within grazing distance of non-outfitted groups of all kinds. Loose horses go into other horse camps and upset the horses there. Backpackers may not welcome. This would be many camps along the PCT, the Rimmel/Spanish Camp area, Cathedral Lake, etc. This DEIS never figured out that loose horses/mules sometimes run into other people's campsites during the night. Sometimes this upsets horses belonging to private parties who have their animals tied up in their camps.

Response 179-291: Private parties can camp where ever they choose, with the exception of the assigned sites. It would be impossible to restrict outfitters to camp away from those used by the public since the majority of the camps are one and the same. Refer to Appendix E for a list of established camps used by outfitters and the public. The potential and impacts of loose stock running through campsites is disclosed in the FEIS on page 33-52, 3-73, 3-77, and 3-80.

Loose horses/mules run through vacant camps leaving manure.

Response 179-292: Horses and mules do sometimes move through vacant camps, although rarely running. Stock rarely spend any length of time in established camps since there is little graze there. Refer to Responses 179-129 and 179-291.

Hearing the sound of the clanging bells on outfitter's animals all night is not always welcomed by other wilderness visitors.

Response 179-293: Refer to Response 179-162.

Camps within grazing distance of water sources for other visitor. Yes, loose stock run around in this sometimes too.

Response 179-294: Refer to Response 179-130 and 179-224.

3C. Camps within grazing distance of the unique and important resources named above like hummocks.

Response 179-295: Refer to Response 179-134 for information on hummocks.

3D. Camps that do not already have major damage caused by large groups? The DEIS recognized that the large outfitted parties cause more degradation than other groups.

Response 179-296: The DEIS/FEIS does not state that outfitted parties cause more degradation than other groups, as suggested by the commenter. The resource conditions in camps used by outfitter-guides are disclosed. Refer to Responses 179-28 and 179-141.

4. How will outfitters using "non-assigned" camps be monitored? Ability to monitor could be an important reason to put all outfitters into "reserved campsites". How will anyone know who causes when both outfitters and non-outfitters use a camp?

Will outfitters using these unassigned sites be checked as often as ones in reserved sites?

Without monitoring, what good are mitigation measures?

Response 179-297: Refer to Responses 179-31 and 179-33. Non-assigned sites will be monitored. Since the Forest Service knows where outfitters will be camping, monitoring trips are arranged to visit camps when outfitters are present, whether in assigned or unassigned sites.

*Section #5
Problems in the Assessment of Impacts
to
Wilderness Resources*

Several major errors of omission in disclosure of existing and future impacts and errors in the analysis bring into question some conclusions and determinations that Alt. #2 meets all management directives. The frequent dependence on meaningless mitigation to reach compliance raises more questions about whether there really is compliance with directives.

I. Frequently it is determined that there is compliance because the impacted areas are only small and localized when compared to the total area of the Pasayten, 531,541. This method is flawed and will not stand up in court. If impacts are evaluated this way, what damage is significant?

Would it be significant if an outfitter clear-cut 100 acres to make a new camp? Only .00019% of the Pasayten? Hardly significant using this method? What could an outfitter do that would be significant. Many management directives consider much small things to be out of compliance.

1A. When this method has been used, hasn't it lost court?

Ski areas have had to change proposed locations of ski lifts to avoid having them in Riparian Reserves, for instance.

*1B What kind of damage could outfitters do that would be significant at this scale?
How about locating a latrine a little too close to a stream?*

If this method is used, don't most of the Forest Plan Standards & Guidelines and CFRs look really silly? Examples: a CFR and/or S&G prohibits horses and camping within 200 feet from lakeshores. A Forest plan S&G says there should be no loss of trees around campsites. A third prohibits the tying of horses to trees. Is violation of any of these significant at this scale?

Response 179-298: The effects analysis was based on the site specific impacts of pack and saddle stock use, which are localized at campsites and stream crossings. The impacts are disclosed throughout Chapter 3, and sometimes discussed in context of the entire Pasayten wilderness. In these cases, the comparison is an important part of the entire effects analysis. This project is analyzed as an EIS, not an EA; therefore a finding of no significance is not required.

1C. Isn't the method of comparing impacts to such things as the percent of all lake shores or streambanks in the analysis area equally flawed?

Response 179-299: Refer to Responses 179-115, 179-187 and 179-191 for lake and riparian reserve analysis information.

1D. Hasn't the use of this method allowed the DEIS to again and again decide that impacts were small and localized so in compliance with directives?

Response 179-300: Refer to Response 179-298.

This method was used when the DEIS to conclude that all damage caused by stock outfitters is "localized", "minor". The DEIS charts on page Summary P. 25 to 38 go through resource after resource, degradation of wetlands, impacts on sensitive plant species, water quality, effects on riparian areas and streams, stream flow, recreational experience of others, soils in meadows, and forage utilization. All are "minor" using this method.

Response 179-301: Figure S-4 beginning on FEIS page Summary-24 summarizes the effects of the alternatives on resources. Effects to wilderness character are summarized as local and minor (FEIS pages Summary 30 and Summary-32), as are trail crossings on streams (FEIS page Summary-39), firewood gathering (FEIS page Summary-42), and soil damage (FEIS page Summary-44). The other resource effects do not include this context. Each statement is a summary of the full effects analysis found in Chapter 3. The methods used for each resource analysis are described at the beginning of each resource section.

An example is on page 2-29 of the DEIS:

"The vast majority of the analysis area is completely unaffected by recreation activities, so the isolated areas of soil damage are not resulting in unacceptable amounts of detrimental soil damage."

This same reasoning was even used for water quality. What management directives say water pollution is acceptable if it is small and local? The DEIS did this. Isn't this water pollution

especially important to other users because the areas where the water is/will be polluted are exactly where almost all visitors visit? Don't you think a little, localized water pollution is very important to a backpack or private horse party if it is where they are withdrawing their drinking water?

Response 179-302: Refer to Responses 179-130, 179-224, and 179-230 for information on water quality, fecal coliform, and recommendations against drinking unfiltered water.

1E. DEIS failed to understand that the wilderness users do not visit the 531,541 acres of the wilderness. They see a (sic) area that borders the main trails. And this is the area where they experience wilderness. And this is where most of the outfitter impacts are located. On DEIS page 3-100, an outfitter impact is described. I doubt there is any wilderness visitor who would find this acceptable:

".....The travel patterns here resulted in multiple braided trails through these wetlands. Springs along the north slope of Bald Mountain have been sheared open from hoof action allowing for a more rapid dewatering of spring and slope erosion. Gentiana glauca (a listed plant) is found on the hummocks above these springs. Horses traveling through the area are trampling this population and the perennially moist spring site cannot tolerate trampling. Hoof tracks often sink into the soil 4" to 6" and the spring flow is being diverted down the old boundary trail causing soil erosion. This campsite is problematic in its location given the extensive wetland associated with it..."

(DEIS page 3-100)

Response 179-303: Impacts to wetlands near the Bald Mountain camp affect the natural quality of wilderness character, as described on FEIS pages 3-36, 3-65, 3-70, 3-73, and 3-78. The natural quality refers to wilderness ecosystems that are substantially free from the effects of management actions or recreation. The quote is from the DEIS Botany section, in the description of the Bald Mountain camp, DEIS page 3-54, where the impact to the plant communities and habitat is described. The description of the Bald Mountain camp and impacts to nearby wetlands were updated in this FEIS using new monitoring information. Further analysis of the wetland near the camp determined that the impacts to the wetland habitat and species there are in fact inconsequential to overall wetland habitat and species viability because the vast majority of habitat is unaffected by outfitter-guide activities.

Camps also impact the opportunities for solitude in wilderness, which is the quality the commenter is addressing. The discussion and analysis of this is located in the Wilderness section of Chapter 3, beginning on FEIS page 3-44.

2. Why did the DEIS repeatedly conclude that the damage outfitters are currently causing is not important because years ago sheep herders impacted the wilderness?

Response 179-304: The continuing impacts from past sheep grazing, and improvements since grazing was eliminated are critical parts of the cumulative effects analysis as required by NEPA. Refer to the cumulative effects analysis at the end of each resource section in Chapter 3 for a discussion of cumulative effects. NEPA requires that the incremental effect of the proposal (i.e. the incremental effect of issuing 10 year outfitter-guide permits)

be considered when added to past, present and reasonably foreseeable future actions. Sheep grazing is a past action that is still resulting in many impacts seen in the Pasayten Wilderness. The incremental impact of the outfitter-guides is very small for some resources, like soils and botany, when considered in context of past impacts from sheep grazing.

2A. Is there some S&G that allows damage of resources because someone previously did it at the camp?

Page Summary-38, issue of forage utilization. For Alt. #2 and #3:

"With the closing of the wilderness livestock permits, even with outfitter-guide grazing, the forage use and resource impacts are still very far below the use and impacts under the old grazing allotment stocking rates. "

Response 179-305: This statement summarizes the direct, indirect, and cumulative effects of the alternatives to forage utilization. Refer to the Range Resources section in Chapter 3, beginning on FEIS page 3-338 for the full analysis. See Response 179-304.

Page Summary-30, on the issue of grazing and plant composition. For both Alt. #2 and #3: The impact was unimportant:

" due to the limited amount of area where the animals graze, and the small number of animals compared to past use. "

Response 179-306: This partial quote is from a statement that summarizes the direct, indirect, and cumulative effects of the alternatives on plant composition. Refer to Response 179-254 for information about the Natural Plant Succession analysis. See Response 179-304.

2B. The DEIS inferred that the damage at the reserved camps was the result of the old days of sheep herders. Isn't this misleading? Weren't some of the outfitter camps established in new virgin areas well after The ONF Forest Plan was adopted in 1989?

Response 179-307: Most, but not all of the assigned sites were initially created by sheep herders. Specifically, the current location of the Bald Mountain campsite was established after the Okanogan Forest Plan was published, and the amount of barren core in the Crow Lake camp increased to its current size after the outfitter-guide started using it regularly approximately 10 years ago. The amount of barren core at the remaining assigned sites (which were long-established) has decreased over the past several years, as displayed in Figure 3.2-9 on FEIS page 3-47. The FEIS includes information about barren core and damaged trees for every camp (assigned and non-assigned) that exceeds 2,800 square feet of barren core, along with a description of every assigned site. Each description includes the approximate number of years the camp has been used by the outfitters. Refer to FEIS pages 3-51.

1. Isn't the worst camp quite new?

Response 179-308: Assuming that the commenter is referring to the Bald Mountain camp, it was established at its current location approximately 15 years ago (FEIS page 3-51)

after the Forest Plan standards and guidelines were established. The original Bald Mountain camp was located approximately 800 feet from the new location, and had been used as an outfitter camp for approximately 20 years prior to the move. Each camp has different impacts, and which is “the worst camp” depends on an individual’s perspective. The outfitter-guide established the current Bald Mountain camp without prior approval. After field review, the Forest Service approved the use of the new camp and prohibited use of the original campsite. The old campsite revegetated naturally within a few years. Permit administration has substantially improved as a result of the Recreation Activity Review conducted in 2000.

2. Aren't there other new ones that exceed S&Gs on barren core, damaged trees, etc.?

Response 179-309: Refer to Response 179-307. The Crow Lake camp exceeds current forest plan standards and guidelines for barren core and damaged trees, as disclosed in the FEIS on page 3-51. The camp is not new, rather it was established prior to the Forest Plan, but increased in size when the outfitter started using it approximately 10 years ago. There are no other “new” assigned sites. Many of the non-assigned camps regularly used by the outfitter-guides exceed current forest plan standards and guidelines concerning barren core and number of damaged trees, although much of this is a result of past actions or non-outfitted use. Appendix A in the FEIS describes the condition of the camps, including size of the barren core and number of damaged trees. The recently completed campsite monitoring established a baseline for barren core that will be used to track barren core in the future.

3. Aren't some of these in the worse locations, such as in riparian reserves, near hummocks and sensitive plants, etc.?

Response 179-310: The current location of the Bald Mountain camp is not in a worse location than the original campsite. The original Bald Mountain camp was located approximately 800 feet from the current location, and was causing impacts to the same hummock area and wetland as described for the current camp. Refer to Response 179-131 and 179-145 for information about impact from this camp. The Crow Lake camp, while not new, is located near a dry meadow, and not near riparian reserves, hummocks, or sensitive plants. Refer to Response 179-187 and 179-191 for information about impacts to riparian areas and Response 179-134 for information about hummocks. Response 179-266 addresses sensitive plants.

4. Weren't these resources were highly valued and protected by Forest Plan S&G well before outfitters located their camps at these locations?

Response 179-311: As stated previously, the Bald Mountain camp exceeds current Forest Plan standards and guidelines for barren core and damaged trees. It was established without authorization, but was allowed to be used in order for the original camp to recover. Refer to Responses 179-187 and 179-191 for information about impacts to riparian areas; Response 179-134 for hummocks; and Response 179-266 for sensitive plants.

5. Didn't MVRD know about these S&G, the ONF Plan was adopted in 1989, yet allowed

outfitters to keep these camps?

Response 179-312: Refer to Responses 179-287, 179-307, 179-308, 179-309, 179-310, and 179-311. As mentioned in earlier responses, camps are evaluated in terms of resource conditions to determine if changes need to be made. Refer to Responses 179-131, 179-138, 179-144, 179-145 and 179-239 for these discussions. Also refer to Response 179-141 for the analysis of outfitter camps. Part of the purpose and need of this EIS is to address the inconsistency between camp size and party size, and improve the ability to administer these permits. Refer to FEIS, page 1-18, purpose and need.

6. The DEIS said some of the old areas degraded by sheep were recovering more slowly because outfitters were using the areas.

Response 179-313: This is disclosed in multiple locations in the DEIS and FEIS. It is first introduced on FEIS page 3-32.

7. On Summay-37 in comparison of Alt. #1, #2, and #3, what does the DEIS mean when it says this for all three alternatives?

8. "Most existing detrimental soil damage occurred prior to implementation of the Forest Plans. Soil in and around campsites, at stock watering areas, and trail crossings would continue to be damaged by non-outfitted stock."

Response 179-314: This is a portion of the statements summarizing the direct, indirect, and cumulative effects of the alternatives on soil. Refer to the Soil Resources section beginning on FEIS page 3-150 for the full analysis.

2C. Outfitter use of some areas is preventing recovery of old impacts of sheep herding, such as the terracing, because outfitters' stocks are now using the old terraces. This is evident on the hillside above the PCT at Goat Lakes. Stock from the nearby outfitter's camp climb around this hillside when grazing and going up to lower Goat Lake. They use the old terracing.

Response 179-315: The terraces are a result of old sheep grazing and are discussed on FEIS page 3-153. Outfitter-guide stock are not preventing the recovery.

3. Why did the DIES (sic) often summarize that impacts would be no less for Alt #1 than for Alt. #2 because private stock users would continue to use camps in Alt. #1 that outfitters would use in Alt. #2?

Response 179-316: Outfitted pack and saddle stock users represent approximately 32% of stock users in the Pasayten Wilderness, and approximately 6% in the Lake Chelan-Sawtooth Wilderness. As described in the analysis in each resource section, impacts would be decreased in Alternative 1 because of the reduction in the number of pack and saddle stock users. Most of the current use (68% in the Pasayten and 94% in the Lake Chelan-Sawtooth) would continue, therefore impacts would also continue. Refer to Chapter 3 for resource-specific discussions.

3A. *If the camp is in a bad location, wouldn't MVRD close it to all use, like the two camps that were closed at Rimmel Lake? Isn't this obvious and necessary according to various Forest Plan MA15B S&G. etc?*

Response 179-317: Refer to Responses 179-131, 138, 144, and 239. The Forest Service has closed and restored campsites causing unacceptable resource damage, and will in the future as needed.

3B. *Don't private groups have far fewer people and animals (often half or less) which would thus cause far less damage than outfitter use in Alt. #2?*

Response 179-318: Refer to the effects discussions for Alternative 1 and Alternative 2 in each resource section for a disclosure of impacts. As stated in Response 179-316, impacts to some resources would generally be reduced with Alternative 1 compared to Alternative 2.

3C. *Wouldn't the impact of private groups be much less because they would not be using the camps everyday (sic) during the summer, as outfitters do reserved camps?*

Response 179-319: Outfitters do not use assigned sites every day during the summer, as the commenter suggests. In fact, some assigned sites are used only once, or not at all, during some years. Others are used more often, for trips typically lasting approximately one week at a time. Use schedules for camps are available in the permit folders. Refer to Response 179-316 for comparison of impacts from Alternatives 1 and 2.

3D. *Doesn't the DEIS often recognize that outfitter daily use of reserved camps cause more degradation than private use of camps?*

Response 179-320: Refer to Response 179-319. Refer to Response 179-28 FEIS reference locations of the analysis of assigned sites.

4. *Many of the problems in the analysis of impacts have happened because in the analysis, the DEIS failed to consider the impacts of loose grazing. This is especially true in the "aquatic" and "water" sections. If grazing areas were considered, would there still be compliance with directives such as the NW Forest Plan and The Clean Water Act? I don't think so.*

Response 179-321: Refer to Response 179-129 for analysis of loose grazing. Also refer to Responses 179-130, 179-224, 179-187, and 179-191 for information on water quality and riparian reserves.

4A. *I'm not sure where impacts to wetlands was officially covered, but in the analysis of wetlands, there was little if any recognition of impacts caused by 18 horses/mules running loose at night.*

Response 179-322: Refer to Response 179-185 for information about the wetland analysis. Also refer to Responses 179-129 for loose grazing.

1. Time and time again it was said that 117.2 acres of wetlands were impacted by camps. I guess this means the 500 feet radius around camps. Is this true?

Response 179-323: Refer to Response 179-185 for wetlands. Also refer to Responses 179-188 and 179-195 for information on the 117.2 acres.

2. Much wetland damage occurs past this (sic) 500 feet, out where the 18 horses/mules go and spend the night roaming around eating and drinking. The impacts from this was (sic) almost totally ignored, yet 18 of these animals make a huge impact. As I say often in other sections these animals spend considerable time in Riparian Reserves including wetlands.

Response 179-324: Refer to Responses 179-129 for loose grazing, 179-187 and 179-191 for riparian areas, and 179-185 for wetlands.

4B. Totally amazing was the fact that in these sections, it was believed that these 18 horses/mules, when running loose all night, were following the rule to stay at least 500 feet from lakes. This was totally left out of the analysis for water quality. In this section, it said the CFR and mitigation measure would keep loose horses away from lakes. A similar error was made in the analysis of soil compaction. There are areas of compacted soil next to lakes caused by grazing horses.

Response 179-325: Refer to Response 179-129 for loose grazing information. Response 179-115 addresses lakes. Loose grazing is addressed in the soil section on FEIS page 3-159. Information was added to the FEIS about stock grazing preferences: pages 3-348 through 3-349 of the FEIS state that stock prefer open areas and elevated terrain away from water and thick brush to get away from insects (Keiper and Berger 1982) and to be able to assess potential threats from predators (Ganskopp and Vavra 1986). They avoid muddy areas because they instinctually do not want to be mired in mud, and simply because they prefer to keep their feet dry.

4C. For water quality, it was believed that the main source of manure was at trail crossings of streams. Isn't this tiny compared to the amount of manure that ends up in Riparian Reserves as the herd of horses/mules graze all night? How was this overlooked? Doesn't this greatly change the data and conclusions for water quality and compliance with both the NW Forest Plan and Clean Water Act? Perhaps this may impact the BMP data too.

Response 179-326: Refer to Responses 179-130 (water quality), 179-187 and 191 (riparian areas), and 179-224 (fecal coliform). Also, refer to Response 179-129 for loose grazing and Response 179-325 regarding stock preference for grazing areas.

5. In how many different areas of impacts, did the DEIS say impacts would be minimized and/or compliance would occur because of mitigation measures? In almost every single case where this claim is made, a quick glance at the mitigation measure named reveals that it will do little, and often nothing, to reduce impacts. (See section on Mitigation and Monitoring)

Response 179-327: Refer to Response 179-148 for information about resource-specific

discussions of mitigation measures.

5A. This is true for almost every single impact caused by loose grazing. Name one mitigation measure that will in any way keep loose grazing from going within 200 feet of lakes, staying off of main travel routes, staying out of wet areas, etc. The DEIS claims a number of times that there are mitigation measures that will do these things.

Response 179-328: Nowhere do the DEIS or FEIS state that these impacts would be eliminated; the mitigation measure will reduce the potential for them. Refer to Responses 179-129 (loose grazing), 179-115 (lakes), 179-185 (wetlands) and 179-327 (mitigation measures).

5B. What mitigation measures minimize impacts to aquatic resources caused by loose stock? How can mitigation #7a, #7b, and #7c even be called mitigation measures? Yet impacts to aquatic resources are some of the most important and should be well covered in mitigations.

Response 179-329: Refer to Responses 179-255 and 179-327.

5C. What will even one mitigation measure for vegetation address impacts caused by loose stock?

Response 179-330: Refer to Response 179-327 (mitigation) and 179-129 (loose grazing). Loose grazing itself is a mitigation measure to reduce impacts to vegetation caused by confined stock or concentrated graze areas. The grazing and stock containment mitigation measures beginning on FEIS page 2-19 pertain to loose grazing and would minimize impacts. Refer to FEIS pages 3-65, 3-162, 3-177, 3-221, 3-259, 3-262, 3-265, and 3-353 for discussions of specifically how the measures would mitigate potential impacts.

5D. Which mitigation measures will minimize damage from grazing? How likely is it that outfitters will be hauling in feed their stock as several suggest?

Response 179-331: Two mitigation measures require outfitters to bring feed under certain circumstances – 8 c and g. As stated on FEIS page 2-19, these mitigation measures will become standard practice for outfitters when the conditions of the mitigation are present and be incorporated into the annual operating plans. Failure to comply with an operating plan would be addressed through permit administration.

6. Isn't the frequent mention of impacts left from the old days sometimes irrelevant and/or misleading?

Response 179-332: Continued resource impacts from past cattle and sheep grazing, and changes that have occurred since the grazing terminated are essential parts of the cumulative effects analysis and are required by NEPA. Refer to Response 179-304.

6A. In the charts comparing impacts by alternatives, why does the DEIS describe the three alternatives by comparing their impacts to those of the old days of sheep grazing? Weren't these

charts suppose (sic) to compare impacts between the three alternatives instead of to the impacts of the old grazing days?

Page Summary-38, issue of forage utilization. For Alt. #2 and #3: "With the closing of the wilderness livestock permits, even with outfitter guide grazing, the forage use and resource impacts are still very far below the use and impacts under the old grazing allotment stocking rates. "

Response 179-333: Refer to Response 179-304 and 179-305.

Page Summary-30, issue of grazing and plant composition. For both Alt. #2 and #3: No impact" due to the limited amount of area where the animals graze, and the small number of animals compared to past use. "

Why does the DEIS do this? Aren't they suppose (sic) to be comparing impacts of different alternatives. What do the old days of sheep grazing have to do with this?

Response 179-334: Refer to Response 179-304.

The DEIS goes through a long list of resources and finds that the outfitter damage in every Alternative is "localized" and "minor". Some of these resources are: protection of wilderness character, compliance with the Wilderness Act and wilderness character (such as untrammelled, solitude, etc.), non-degradation policy of wilderness, degradation of wetlands, impacts on sensitive plant species, water quality, effects on riparian areas and streams, stream flow, recreational experience of others, soils in meadows, and forage utilization. Impacts to all were found to be "minor" for all alternatives. (DEIS pages Summary p 27 to 38.)

Response 179-335: Refer to Response 179-301.

6B. Aren't statements that much or most of the damage at camps outfitters use today is the result of the old grazing days misleading since some of the outfitter's camps are quite new? Weren't the camps at Beaver Creek and Bald Mt. created long after the days of grazing? Yet aren't their area of barren cores and number of dead trees far above the Forest Plan S&G.

Weren't these established and used well after 1989 when the ONF Forest Plan and its S&G were adopted and regular monitoring of outfitters was occurring?

Response 179-336: Refer to Responses 179-304 (cumulative effects), 179-28 (assigned sites), and 179-305, and 179-312 (camp conditions). See also Appendix A for a list of camp conditions, including damaged trees.

6C. Was enough information given on how current outfitter use is preventing recovery of some impacts from the grazing days?

I really saw this happening around Goat Lakes on the PCT. And (sic) outfitter Uses (sic) a camp there and lets his stock loose to graze. They are maintaining and perhaps even increasing the terracing on the hillsides above the PCT.

Response 179-337: Refer to Response 179-129 (loose grazing) and 179-315 (terracing).

*Isn't there little recovery happening around and in the stream areas
Below the huge camps across the bridge from the cabin at Spanish Camp? There are areas of
very compacted soil and little vegetation in areas several hundred feet and more from the
stream bed. Vegetation had totally changed to species like pussytoes, strawberry, and potentilla
would never be found in a natural riparian area.*

Response 179-338: Refer to Response 179-222.

*7. A quick look of some of the problems I see in the Aquatic Resources Report", written by Gene
Shull, fisheries biologist, dated July 26, 2010.*

These details are from his report, not the DEIS itself.

*7A. Aren't there many, many acres of "wet meadows" where loose horses/mules move and graze
that is outside of 500 ft. of camps? The DEIS says stock may go 2 miles from camp when grazing.
Were these included in figures for wetlands impacted in the DEIS?*

**Response 179-339: The wetlands analysis is in the Botany section of Chapter 3, and the
corresponding specialist report in the analysis file, not in the Aquatic Resource report.
Refer to Response 179-185.**

- 1. I found numerous "wet meadows" that I think would be classified as wetlands if proper
delineation was done. I looked at obligatory plants and soil. I had help doing this.*
- 2. Often these do not show up on aerials. Wetland areas are often mapped using aerial
photographs. Is this the case in the Pasayten? Hummock wetlands especially don't show well.
The time of year aerials are taken is important to accuracy. I looked at a lot of aerials.*
- 3. Was wetland delineation actually done within the 2 mile distance of camps which is the area
that loose stock graze, were maps used, or what?*
- 4. Many people do not identify these wet meadows as wetlands because they dry out in the
summer and fall. Doesn't delineation require a person skilled in plant identification,
wetland obligate species, wetland soil features, and wetland terrain? If this was done for this
DEIS, who did it and what were their qualifications?*
- 5. Where is the report on delineation beyond 500 feet of camps?
Did the botanist officially do it within 500 feet of camps?
Her report didn't seem to do officially do this, but did have casual Wetland observations as
they related to plants. It seemed to focus on sensitive plants.*
- 6. I found that horses/mules like plants in the "wet meadow" type of wetland after the meadows
have dried out.*

Response 179-340: Refer to Response 179-111, 179-134, 179-185 and 179-186.

*7B. Generally, weren't the calculations to determine the area of impacted riparian areas based
on the only impacts within a short distance of campsites? For streams, lakes, wetlands (sic)
wasn't the distance of 100 feet and 50 feet related to protected buffers? Doesn't the DEIS say
horses/mules graze as far as 2 miles from camps?*

*Aren't there many impacts beyond the 100/50 feet where horses/mules congregate than the
100/50 area used in the DEIS for calculations?*

Response 179-341: The 100 and 50 foot disturbance assumptions were for the linear measurement of the amount of streambank and lakeshore impacted by camps within riparian areas, or within 500 feet of streambanks or lakeshores, respectively. The estimates were updated in the FEIS using new monitoring formation. Refer to FEIS page 3-188, and 3-203 through 3-204 for this analysis. Refer to Response 179-185 for information about the wetland analysis.

The full analysis of the impacts to streams is on FEIS pages 3-186 through 3-191, 3-201 through 3-211, and 3-225 through 3-234.

1. Isn't there concentrated stock movement beyond this but before they really spread out to graze? (the "intermediary area")? Usually the animals walk a distance together and/or in the same route before spreading out. They stop and drink and eat in this area too.

Response 179-342: The FEIS discloses that impacts are greatest near camps, then subside as stock spread out to graze. The impact pattern around camps is described in the FEIS on pages 3-201 through 3-203.

2. Beyond this intermediary area and out into "grazing areas", don't animals also concentrate around water sources such as streams, emergent wetlands, lakes, AND where obstacles channel their movement?

Response 179-343: Refer to Response 179-129 for loose grazing information.

3. Aren't horses very social too and often stay together?

Response 179-344: A section was added on loose grazing to the FEIS. As now stated in the FEIS, horses and mules are herd animals, so they stay together in the grazing areas, although they graze in a dispersed pattern. Stock form a loose herd, always nearby each other, but not tightly congregated. Refer to FEIS pages 3-211, and 3-347 through 3-349.

4. Aren't there many riparian areas in both the intermediary and regular grazing areas?

Response 179-345: Refer to Response 179-129. The effects of loose grazing on riparian areas are in the FEIS on page 3-211.

I've had horses over quite a long period of time and mine were very social and liked to stick together.

Response 179-346: Refer to Response 344.

7C. This is what I saw and photographed when I spent a lot time in grazing areas in the Pasayten:

1. I found a concentration of stock use in the intermediary areas and thus a lot of damage there. They had not yet spread out and they stopped along the way to drink and eat on their way to and from grazing areas. This area was beyond the 100 feet used in calculations in the DEIS. Stock trampled and made trails here.

Response 179-347: The wetlands and aquatics analyses state that wetlands and riparian areas within 500 feet of camps could be impacted by stock. Refer to Response 179-341.

2. *I also saw concentrations of animals well past the intermediary area where they spent the night grazing. This concentrated use created both "stock-created" trails and areas of trampled soil and vegetation.*

Response 179-348: Refer to Response 179-129 for loose grazing references.

3. *I found that stock spent quite a lot of concentrated time during the night within riparian areas by looking at the amount of trampling and number of trails in these areas.*

Response 179-349: Impacts to riparian areas from loose grazing are disclosed in the FEIS beginning on page 3-211. Also refer to Response 179-129.

4. *I found that horses/mules like the "wet meadow" type of wetland when they dried out, but perhaps not when wet.*

Response 179-350: Refer to description of loose grazing patterns, FEIS pages 3-347 through 3-349. Also refer to Response 179-129.

5. *In this report, it was stated that maybe horses/mules graze upland areas more than Cattle. Was this said to suggest that they cause less damage to riparian areas than cattle? I can't compare since I know nothing about cattle. But horses/mules damage riparian areas a lot. I think this is because:*

1. *I found they really like some of the plants in the "wet meadows" which would qualify as wetlands if delineation was done.*

Response 179-351: The preferred graze is described on FEIS page 3-350. Also refer to Response 179-129 and 179-344.

2. *There are signs of a lot of trampling in riparian areas.*

Response 179-352: Refer to Response 179-349.

6. *Perhaps they don't actually eat in this area as much as cattle but they obviously are spending a lot of time in it. Perhaps they spend a lot of time just standing around when drinking. Perhaps drinking is a social time. Perhaps it occurs at night when no one sees it.*

Response 179-353: Refer to Response 179-350 for loose grazing pattern information.

- 7E. *Did someone actually check which species of plants the horses/mules actually best and eat the most? If so, were they wetland obligates? If these food preferences haven't been studied, shouldn't they be? If some are wetland obligates, this needs to be analyzed. Who studied plant preferences and in what locations?*

Response 179-354: Refer to Response 179-351 and 179-344.

4. This is what I noticed: Horses/mules liked a lot of wetland obligates. They even preferred them over other species. They do not particularly like plants that often are found in dry meadows.

They don't like species like pussytoes and strawberry found in over-grazed areas.

Response 179-355: Refer to Response 179-351.

7B. Didn't the report fail to report impacts to lakes because it went by the misleading observation that outfitters do not tie/hobble/hitch stock within 200 feet of lakes? Isn't this a big error when there is a camp within 2 miles of a lake and animals graze loose?

Response 179-356: Refer to Response 179-115 for information about the analysis of lakes, and 179-129 for more information on loose grazing.

8. Isn't there really snow melting and some rain during the time of outfitter use, July to October? Wasn't this said to show that manure is not an important issue to water quality?

Isn't there still quite a lot of snow on the ground in early July when outfitters begin to use the high country on high-snow years? I've seen that and some old wilderness ranger reports indicated this. The rangers reported a lot of damage caused by use too early in the season. True, most of the snow has melted when use starts, but there are often still snow banks in more shaded areas. Some years there is quite a bit. It is melting fast.

Water run-off occurs before and after use and doesn't that also impact water quality? The manure is still there.

Response 179-357: The water quality analysis does not state that manure is not an important issue based on snow melt, as the commenter suggests. Refer to Responses 179-130 and 179-224.

9. Has anyone studied horse/mules when grazing? Isn't data really needed before impacts can be identified and analyzed?

9A. Where do they drink?

9B. Where do they spend the most time?

9C. Where do they go at night when no one is watching?

9D. Do they congregate around water sources for long periods of time?

9E. Do they stay spread out in grazing areas most of the time? Isn't this what the DEIS said over and over?

9F. Do they graze spread out or in concentrated groups? My horses were very social

9H. What plants to they prefer? What do they do at night when no one watches them?

9i. Do they behave differently as they eat enough to be "full"? Is this different from what they do when first let loose to graze and when they are very hungry?

I saw nothing like this in the DEIS.

There was this one guess as to what the horses/mules do: They "may" graze higher up on drier

hillsides than cattle.

Response 179-358: Refer to Response 179-350.

10. Don't the directives say to "maintain" and "improve" conditions? Won't an increase in service days mean more grazing?

Response 179-359: Alternative 2 would increase overall service days approximately 4%. Alternative 4 would increase service days approximately 50%, however most of the increase in Alternative 4 would be in day rides around Alta Lake and in the North Cascades area. Refer to Figure 2-4 on FEIS page 2-31 for a comparison of existing service days and the number in each alternative. The number of service days in the Pasayten Wilderness would increase approximately 20%, and in the Lake Chelan-Sawtooth Wilderness, approximately 6% in Alternative 4. The amount of grazing would increase. The environmental effects of this increase are described in each resource section in Chapter 3.

10A. Aren't some impacts from grazing cumulative, as the DEIS suggested?

Response 179-360: The cumulative effects of the alternatives, including grazing, are described at the end of each resource section in Chapter 3.

10B. Each year that a hummock area is grazed, won't more be destroyed?

Response 179-361: Refer to Response 179-134.

10C. There are no mitigation measures that address the grazing impacts. Wasn't the report only addressing possible improvements at campsites? Mitigation can decrease damage by humans at camps. But loose stock cause most of the damage don't they?

Response 179-362: All the mitigation measures under #8 beginning on FEIS page 2-23 pertain to grazing. The FEIS analyzes and discloses the environmental impact of all outfitter-guide activities, not just those in campsites. Refer to Response 179-129 for impacts of loose grazing, and to 179-327 for mitigation.

11. The DEIS often concluded that mitigation measures would decrease impacts and bring compliance. What mitigation really addresses impacts from grazing?

Response 179-363: Refer to Response 179-362.

A mitigation measure mentioned in this section was the one that requires outfitters go over LNT principles with clients. How much will this help? Has it been the clients who damage stream banks and pollute water the most?

Response 179-364: Mitigation measure 5b requires outfitter to review minimum-impact travel and camping practices with clients, including those at drop camps. Leave-no-trace camping practices are important to reduce environmental impacts and impacts to

wilderness character, as the commenter points out in several comments. Refer to Responses 179-10 and 179-13.

12. How will the mitigation measures that were mentioned for reducing water pollution decrease pollution from grazing?

Response 179-365: Refer to FEIS pages 3-161 through 3-163 for the Best Management Practices that would mitigate impacts to water quality. Refer to Response 179-130 for information about the water quality analysis in the FEIS.

The first two mitigation measures for aquatic resources require that someone monitor and test water regularly. Who will be monitoring water quality? The DEIS says budgets will determine how much of any kind of monitoring occurs and doesn't this just mean of the easy things?

Response 179-366: The mitigation measures were revised for the FEIS. Refer to Response 179-327. The monitoring plan is in the FEIS on page 2-18.

13. The report inferred that Watershed Analysis did not identify that any existing outfitter activity was an issue. Didn't the Chewuch WA raise this issue? I believe it specifically mentioned possible impacts from outfitter use at higher elevations.

Response 179-367: The Chewuch Watershed Analysis did not identify existing outfitter-guide activities as an issue. A copy of the watershed analysis is in the analysis file.

14. Aren't there violations of PACFISH and NW Forest Plan S&G that require that pack stock watering and other handling efforts and dispersed recreation including camps should not reduce or prevent attainment of RMGs, etc. "

Response 179-368: Refer to Response 179-187 and 179-191. Specific compliance with the Aquatic Conservation Strategy Objectives and Riparian Management Objectives are included beginning on FEIS page 3-224.

15. Are tenured backcountry rangers qualified to survey habitat as this report said occurred? That happened in the error in assessing impacts to lakes and only mentioning hobbling/hitching and not grazing?

Response 179-369: The commenter is referring to a statement found on DEIS page 3-164 stating that aquatics analysis relies on professional field observations from past fish biologists and tenured backcountry rangers. Tenured backcountry rangers were qualified to survey habitat because they were trained to monitor resource conditions in the field, and gather specific information about aquatic habitat. The description of the analysis method was updated in the FEIS to better describe the source of field data. Refer to FEIS page 3-185. Refer to Response 179-115 for information about the analysis of effects on lakes. The Lakes analysis that begins on FEIS page 3-14 discloses that high lakes surveys have been completed on seventeen lakes. Full survey reports are available in the analysis

file.

The fact that camps outfitters use are within grazing distance of many lakes was not mentioned. Some listed lakes have high quality wetlands along the shores as well as the lake shore itself. Ramon, Hopkins. Corral, etc.

Response 179-370: Refer to Response 179-115 for information about lakes. Also refer to Response 179-129 (loose grazing).

Does use of lakes by hikers really impact the lakes as much as a herd of 18 grazing horses/mules as mentioned in this report?

This report said some of the lakes were only used as "drop camps" and stock did not say overnight. I'm not so sure of this. Sheep? Remmel? Ramon?

Response 179-371: On FEIS page 3-204, the analysis states that environmental impacts at lakes used only as drop camps are primarily from the general public (hikers and stock users) using the backcountry with little negative impacts from the commercial outfitters. Refer to the analysis on this page for the full assessment.

16. Why did the report assume that use and damage would continue under Alt. #1 because the public would still be using the areas and camps?

Response 179-372: Non-outfitted groups, both stock users and hikers, also cause environmental impacts. These impacts would continue even if pack and saddle stock outfitter-guides cease operations. The impacts from the non-outfitted public are disclosed in each resource section in Chapter 3 under the direct, indirect, and cumulative impacts of Alternative 1 and in the cumulative effects for Alternative 2-4.

Does this consider that non-outfitted horse groups seldom let their animals graze loose very far from camp? Did it consider that non-outfitted groups have far fewer animals than 18?

Response 179-373: The average party sizes for outfitted and non-outfitted groups is disclosed on page 3-37 of the FEIS. Refer to Response 179-372.

Did it consider that poorly located camps like at Bald Mt. could be Closed (sic) and then there would be no damage? MVRD has closed two Camps at Remmel, and under Alt. #1 it might close Bald.

Response 179-374: Refer to Responses 179-131 and 179-145 concerning Bald Mountain. Also refer to Responses 179-138, 179-144, and 179-239.

When it said monitoring and mitigation would limit and decrease damage in Alt. #2 and not #1 did it consider that monitoring does not address impacts from grazing since loose grazing is encouraged?

Response 179-375: Refer to Response 179-129 information on loose grazing. The mitigation measures and monitoring items pertain to outfitter-guide activities, and not to the non-outfitted public. Since there would be no pack and saddle stock outfitter-guides with implementation of Alternative 1, there would be no impacts from the outfitters to mitigate or effects to monitor.

17. Is this statement in the report true?

Outfitter use will "not remove riparian vegetation at any location".

Response 179-376: This DEIS statement is incorrect, and was not included in the FEIS. Refer to Responses 179-187 and 179-191 for impacts to riparian areas.

18. Is this statement true when considering grazing?

Streambanks will only be affected where there are campsites, day use, and trails. I suggest that there grazing stock also impact streambanks and this needs to be addressed.

Response 179-377: Impacts of outfitter guide activities, including grazing, on streambanks is discussed beginning on FEIS page 3-201. Loose grazing is specifically addressed on FEIS page 3-211.

19. Is this statement true when considering grazing?

Stock only enter water areas to drink and at trail crossings?

Response 179-378: Refer to Response 179-350 for a description of the loose grazing patterns.

20. Did the "informal consultation with FWS occur in June of 2005 as mentioned in this report? Does just an "informal consultation" meet requirements? Is there something in writing from this meeting? Aren't many areas used by outfitters "critical habitat"?

Response 179-379: Informal consultation was originally planned for June, 2008, as stated in the DEIS on page 3-191. The consultation was delayed, and occurred on June 21, 2011. The concurrence letter and Biological Assessment are in the analysis file. Consultation on the FEIS was completed, with concurrence letters issued by the National Marine Fisheries Service on November 13, 2012, and from the US Fish and Wildlife Service on January 28, 2013.

The outfitters do operate in critical habitat for the Northern Spotted Owl, and the effects are disclosed on FEIS page 3-307. Critical habitat for listed fish species is discussed beginning on FEIS page 3-195.

Section #6
Data and (sic) Analysis of Impacts to
Wilderness Character

I.

Are the conclusions really valid, that "wilderness character" is good in these wilderness areas and there will be little impact from outfitters?

Doesn't a close look at the way data was collected and analyzed to reach this conclusion raise a lot of questions about this conclusion?

1. To determine what % stock outfitters are, should the % of all visitors to the Okanogan National Forest be used or just the % of wilderness visitors? Both were used in this DEIS. Wouldn't the results be very different depending on which numbers are used? For instance, in the chart on Summary -25, the total number of all visitors to the national forests were used, which is 221, 441. When all 221,441 visitors are used, Outfitter services day granted under Alt. #2 are only 2%

Response 179-380: The outfitters operate throughout the analysis area, not just in Wilderness, and total visitor days and service days for each subunit, in addition to analysis area-wide figures are included. Refer to Response 179-89 for the source of these estimates, and to Response 179-54 for the source of information concerning service days. The following pages in the FEIS show the number of visitors and service days in each portion of the analysis area: 3-38, 3-40, 3-113, 3-121, 3-131, 3-135, 3-139, and 3-143.

2. How many people really do visit the wilderness each year? Do the writers of this DEIS know? Different sources used had different numbers.

The data from trailhead self-registration looks really questionable doesn't it? The total is so small. Some kinds of groups sure don't register as much as others. Doubling the total, as the DEIS said to do, won't work will it because of the difference in kinds of people who register?

Response 179-381: The DEIS did not double the trailhead registration data, as the commenter suggests. Rather, use data in the DEIS came from the 2001 and 2005 NVUM data for all areas except the Sawtooth Backcountry, where trailhead registrations were used to estimate overall use levels (DEIS pages 3-17 and 3-60). In the FEIS, data from trailhead registrations was used to evaluate the different use levels estimated by the 2005 and 2010 NVUM estimates, and to determine that the 2005 NVUM figures were the most accurate. Refer to Response 179-89 for use information source.

3. To evaluate the validity of the information, isn't it important to look at the number of people asked to respond to questions about wilderness character? This number was so small in some studies that does it really mean anything? In the National Visitor Use Monitoring study, there were only 52 contacts. Only 45 of these agreed to answer the questions. Only 33 were in the wilderness for recreation. Of these 33, only 13 people filled out the first and most basic form. Only 6 filled out the second one asking for

economic data. Only 7 filled out the form that asked about how satisfied they were with their trip.

Response 179-382: The National Visitor Use Monitoring program is designed to be statistically accurate to a confidence level of 90%. The design and implementation of the study, and the accuracy and use of the data are described on pages 1-7 of the 2006 Visitor Use Monitoring Report (USDA 2012b).

4. The way the data was collected also has to be questioned.

In the above study, people had to fill out a 5 page questionnaire. This is a lot to do when trying to have a wilderness experience. Perhaps this is why only 45 agreed and did it. In the other study, People (sic) had to fill out a 3 page form.

How would the ones who refused to participate answer the questions? Perhaps their feels (sic) about wilderness character would be very different. from (sic) and how many refused?

Response 179-383: The results from the National Visitor Use Monitoring report were used to estimate the number of people recreating on National Forest System Land (refer to Response 89). The commenter also refers to another study, called “2009 Wilderness Use Study: A comparison of Pasayten and Lake Chelan-Sawtooth Wilderness Use Patterns”, May 2010 (Burns, et al, 2010). Results from this study were used in the FEIS to evaluate the opportunities for solitude or primitive and unconfined recreation, as discussed on FEIS pages 3-24, and in the 2012 Needs Assessment on page Appendix B-24. The Wilderness Use study was completed by commenters when they have completed their recreation trip, and are exiting the Wilderness areas. This method is the established method used to conduct Wilderness use studies nationwide.

5. If just the number of visitors to the wilderness is used, which was sometimes the case in the DEIS, should the figures be the total visitors or the total number of visitor days? Wouldn't results be very different depending on which one of these is used?

Response 179-384: The National Visitor Use Monitoring report calculated the number of visits to National Forest System Land. This figure was converted to visitor days using the method described in the FEIS on pages 3-31 for the Pasayten Wilderness and Lake Chelan-Sawtooth Wilderness, and on page 3-109 for the remainder of the analysis area. These use figures were used consistently throughout the analysis.

6. To determine impacts of stock outfitters, shouldn't the data be collected in the areas of most stock outfitters use? The DEIS said it was highly concentrated at two areas, Sheep/Corral and Rimmel/Bald.

Isn't it the people in these areas who are impacted by stock outfitters, Instead, the data for the studies was collected all over the wildernesses.

Since 30% were day users in one study, and 43% were staying for only 1 to 3 days, none of these people would reach areas with the high concentrations of stock outfitters.

Response 179-385: There are several areas of concentrated outfitter-guide pack and saddle stock use, including Sheep/Corral and Rimmel Lake. The National Visitor Use

Monitoring program was not conducted to determine the impacts of stock outfitters, as the commenter suggests. The objective of the National Visitor Use Monitoring program is to provide “reliable information about recreation visitors to national forest system managed lands”. The principle focus of the 2009 Wilderness Use Study “was to better manage Special Use Permits in order to limit conflicts among visitors during high use times and locations.” Specifically, researchers wanted to identify any perceptions of crowding, acceptable number of times to see others, acceptable time to wait before starting their activity, reasons for recreating, quality of facilities and services, and how others impact their experience. If the research effort focused heavily in the areas with a high concentration of stock use, the data would have potentially been biased. The purpose of this study was to understand crowding levels of visitors to the Wilderness areas. The data were then analyzed and reported appropriately.

*7. To determine impacts of stock outfitters, shouldn't the data also be collected only during, the period outfitters are operating, which is primarily July and August?
Aren't most non-outfitted visitors visiting wildernesses during the same peak summer season for outfitters? Should data really focus on this period?*

Response 179-386: Refer to Response 179-385. The purpose of this study was to understand all Wilderness users, not just those potentially impacted by stock use, which would potentially have biased the data.

8. DIES (sic) data based on both the number of visitors and responses to questions was never broken down by length of stay in the wilderness. In one study, the average for the number of hours of the visit was 40 hours. Wouldn't this weigh data towards day users and people never getting more than about 3 miles from trailheads?

Should these people define what is wilderness character?

Response 179-387: The commenter is correct; the data were not segmented by length of stay. This variable (length of stay) is but one single variable that helps researchers to describe Wilderness use. There was no compelling reason to segment the data by this variable. Wilderness character is defined in the FEIS on pages 3-28 through 3-29.

Could the large number of day users in the study explain why 65% of people in one stay say they didn't feel crowded? And 39% said they saw about the number of people they expected?

How far can a person go in even 40 hours, the maximum of 40 hours? Wouldn't backpackers on a 40 hour trip probably not get much beyond 3 miles from a trailhead before camping? Doesn't the heavy use at camping areas within 3 miles of trailheads indicate this? This is also true for the crowds I saw at campsites 3 miles north of the Harts Pass Trailhead. Some of these backpackers were even hauling in ice chests and large radios. Yet at Goat Lakes I did not see another party camping except a stock outfitter.

Wouldn't visitors who were only staying an average of 40 hours, which was the case of respondents in one study, answer very differently when asked about solitude, from people who are out for perhaps 5 or 5 (sic) days?

Wouldn't these people respond to questions about solitude very differently than someone setting out for 5 days?

Do people out for a day and hiking perhaps only 3 miles from trailheads expect much solitude, want a lot of solitude, or even necessarily value solitude as much as perhaps people on 5 day trip? Everyone knows solitude as envisioned in the Wilderness Act just does not happen on a short visit at Harts.

Response 179-388: The perception of solitude is different for each person, and not dependent on the length of a trip or the distance from a trailhead. The Wilderness Act states that there will be outstanding opportunities for solitude within designated wilderness, regardless of the distance from a trailhead, so the vision of solitude described in the Act is just as applicable on a short visit at Harts Pass as it is within the interior of the Pasayten Wilderness. Since there is no universal way to measure the feeling of solitude, the only method for gathering information is to ask people, compile the responses, and look for the frequency of similar responses.

The Forest Service does calculate encounters as a way to measure solitude. The encounters analysis for both the Pasayten and Lake Chelan-Sawtooth are summarized beginning on FEIS page 3-41, with alternative effects on pages 3-62, 3-70, 3-74, and 3-78. The full encounters analysis is in the Wilderness Report in the analysis file.

9. Somewhat related to #3, DEIS data on number of visitors and responses was never broken down by trailhead where it was collected. Stock outfitter use is primarily at only a couple of trailheads. So is stock use.

Wouldn't both numbers and responses to questions be very different depending on which trailhead where it was collected?

Wasn't the purpose for using this data to show how much stock impact wilderness character? Then trailhead is important because only a few trailheads receive almost all stock outfitters use. This is where they have the biggest impact.

Wouldn't this help interpret data according to visitors who are day users? Besides Harts Pass Trailhead, there are a few others that have popular features within a short distance.

Some trailheads are farther from good roads and less well-known. Wouldn't this mean that users would be different and thus numbers and responses?

Response 179-389: The commenter is correct; the data were not segmented by trailhead. This was one single variable out of hundreds of variables. There was no compelling reason to segment the data by trailhead.

10. Doesn't the kind of use need to be factored in instead of taking the totals for all kinds of users? Aren't numbers and responses very different for backpackers, clients on stock outfitted trips, clients on nonstock outfitted trips, and people using stock? Some studies had information about respondents but this data wasn't used and instead the DEIS only used totals of all kinds of users put together.

Response 179-390: The data collection method was designed to obtain a representative sample (as possible) of recreation use that occurs in Wilderness. If the focus was only one or two recreation activities, the sample would potentially be biased.

11 Shouldn't individuals and not parties be counted? Doesn't the size of the group make a lot of difference in the significance of its impact?

The number of people in a party is important when considering its impact isn't it? Isn't passing a group of 4 very different than passing 8 or 9 people?

Encountering a string of 18 horse/mules is really significant in comparison to passing a party of 6 or 7 isn't it?

Response 179-391: Refer to Response 179-97, 179-98 and 179-192. Judging which encounters may be more important was not done because each individual's perception would differ.

12. Shouldn't the horses/mules be counted in encounter data?

Horses are no more part of the wilderness character than people are they? Aren't encounters with them also more significant than meeting people?

Response 179-392: The encounters analysis calculated the number of groups any one group would likely meet on any given day, to determine compliance with the encounters standard and guideline (MA15B-21O, Okanogan Forest Plan). The size of the group, and whether or not the group had stock was not part of the analysis. Knowing this level of detail is not necessary to determine compliance with the Forest Plans, which have standards and guidelines for encounters by party, not by stock. The Wilderness section in Chapter 3 includes the analysis of opportunities for solitude, beginning on FEIS page 3-36. The full analysis is in the Wilderness Report in the analysis file. Also refer to Response 179-97.

13. While responses were not broken down by trailhead, length of stay, etc. some studies did have figures on some things about the respondents. Don't some of these characteristics indicate many of these people were maybe some and even many (sic) were not out expecting or wanting a wilderness experience of few encounters?

Examples of this are: 31 people were in groups with 5 or more children. 29% were on day trips. People staying 1 to 2 days made up 43%, while all of the above people could never get very far from trailheads where encounters are much less, 71% said they did not have to avoid places because there were too many people and 65% said they did not feel crowded. Also 68% had one trailer.

Response 179-393: The 2009 Wilderness Use Study was designed to be a random, statistically valid study. It found that two-thirds of the visitors felt it was not crowded, 23% felt slightly crowded, less than 10% felt it was moderately crowded, and less than 1% felt it was extremely crowded. The study found that approximately 53% of commenters

wanted a wilderness experience where solitude was part of the experience, approximately 30% felt complete solitude was not expected, and the remaining 17% expected to see other people.

12. As one study noted, isn't it important to have responses from the people who do not visit these wilderness areas because they offer little wilderness character? These people are never counted.

The Andrews Creek Trail is avoided by many backpackers because of its condition, mud and manure at the beginning of the season. When Rimmel Lake area is also avoided because of the number of people and horses.

One of my books on traveling the back county on horseback paints a negative picture of the Rimmel Lake area because it is so crowded.

Response 179-394: Studies of this nature can only be conducted by talking to people actually recreating in the areas. There would be no way to collect a statically valid sample of people who do not visit a Wilderness area to determine the reasons. The FEIS, on pages 3-39 and 3-41 discloses the use patterns in each Wilderness area, and which areas are preferred by stock or backpackers.

13. Aren't the numbers of some negative answers reason to pause and question if these wilderness areas are really providing enough wilderness character for enough people? And why wasn't this data in the DEIS?

Response 179-395: Wilderness character was analyzed using the four qualities of character: untrammelled, undeveloped, natural, and opportunities for solitude or primitive and unconfined recreation. Recreation, including encounters, campsites, recreation facilities, and trails all impact the opportunities for solitude or primitive and unconfined recreation. Refer to the Wilderness section in Chapter 3 for the disclosure of effects to wilderness character. The 2009 Wilderness Use study is summarized and incorporated by reference on page 3-41 of the FEIS.

When asked to rate how crowded they felt on a scale of 1 to 10 with 10 being over crowded, 33% said they felt crowded at the 8 level? Should 33% of visitors feel this way?

Response 179-396: This statistic is from the 2005 National Visitor Use Monitoring Report (USDA 2006c). As the commenter identified, one-third of the visitors felt crowded (mean=8 on a 10 point scale), while two-thirds did not feel crowded. Additionally, the 2009 Wilderness Use Study (which was site-specific to the Pasayten and Lake-Chelan Sawtooth Wildernesses) found a low level of crowding (mean=2 on a 9 point scale) when focusing wilderness users during the summer and early fall in 2009. In both studies, about 10% of visitors reported they were crowded.

When asked what best describes their experience, 52% said solitude, but 29% said semi-wilderness, 13.7% said it felt like undeveloped roaded, and 2.4% said it felt like scenic, which means seeing many people.

Should this many people using a wilderness area feel other than solitude and even Compared

(sic) it to a roaded area?

Response 179-397: These statistics are from the 2009 Wilderness Use Study, and are part of the findings concerning solitude and the perception of crowding. Feeling that solitude is important is not a requirement of wilderness visitors in terms of wilderness management. Rather, it is simply a matter of personal preference.

When asked about whether they thought the balance between social values were good 29% said no.

Response 179-398: This is another statistic from the 2009 Wilderness Use Study. As with any research/monitoring effort, not all visitors feel the same way about management of a recreation area. For this reason, NVUM and other studies to monitor responses are conducted over time. In this case, not all commenters are in agreement with how the Wilderness is managed.

Stock users had the most conflicts, 11.4 %. Stock users are more likely to use areas most outfitters do like Rimmel.

Response 179-399: This statistic from the 2009 Wilderness Use Study does show that 88.6% of stock users experienced no conflicts, compared to 97% of all wilderness visitors who had no conflicts with other people on their trips.

When asked if the behavior of other people interfered with their enjoyment of there (sic) trip, only 57 strongly answered no.

Response 179-400: The complete finding in the 2009 Wilderness Use Study was that just over 81% of visitors reported the behavior of other people did not interfere with the quality of their experience. This is compiled from 58.2% that strongly disagreed that others interfered, and 23.3% that disagreed with the statement.

When asked what % of the time they were within sight of other groups, 7.3 % said they were in sight of other groups over 40% of the trip and 4.6% said they were in sight of other groups 25 to 39% of their trip.

Response 179-401: Considering all the responses, this calculates to over three-quarters (78%) of visitors reported less than 15% of the time they were in sight of other groups. Just over 70% reported that they saw other groups fewer than 6 times.

I carefully collected encounter data on 3 of my trips.

I believe my data better reflects what is needed in this DEIS to assess wilderness character and impacts of stock outfitters.

1. These is a huge difference in the way I collected my data and doesn't it more accurately show the impact of stock outfitters on wilderness character? The results are also very different.

1A. I threw out all data collected on one trip because the trip was too early in the season to produce valid information. (Two weeks in late (sic) to early July)

There was still snow on the ground and it snowed heavily during the trip. It was to a the (sic) Remmel/Bald area which has so much outfitter use later that many people only visit it early in the season. And no stock outfitters had arrived yet. Except for a very small horse party, everyone was a backpacker. There was more solitude than I have ever experienced and outfitters were having no impact.

1B. When I counted encounters, I counted each individual person as one, not the whole party as one, which studies in this DEIS sometimes did.

The impact of an encounter with an outfitter's party of 30 is far more than that of one with 2 or 4 private folks.

1C. I also counted horses/mules I encountered on trails, but I did not count animals I saw grazing or in camps. The impact of someone on a horse is far greater than that of someone walking. A horse being ridden is greater and even more so a horse/mule being led which is less controlled. Stock outfitters all use stock.

1D. All 3 of the trips were to areas that stock outfitters use the most, the Remmel/Bald Mt. area and the SheepMt/Corral Lake area.

How can the impact of stock outfitters be measured when data is collected in areas they seldom or never use which studies used in the DEIS did?

Few people travel cross-country so probably few are counted in studies. They probably highly value solitude. They probably experienced a lot of Solitude.

Response 179-402: Refer to Response 179-97 and 179-392 for information about the method used for the encounter analysis. Personal studies, such as the commenters are not carefully designed or statistically valid.

2. My data shows that stock outfitters make up a large percent of users in these two areas during periods of peak use, July and August. Use by private groups using stock also peaks during these times. When the two are combined, I often felt more like I was on a ranch than in a wilderness area.

This is what my data:

Trip #2: 59% people and 68 % of the horses/mules were with outfitters All but three days out of weeks were spent within a day walking trip of Remmel Lake and Bald Mt.)

Trip #3: 55% people and 39% of the horses/mules were with outfitters (All but three days out of 2 weeks were within a day walk of Remmel Lake or Bald Mt..)

Trip #4: 72% people and 80% of the horses/mules were with outfitters (All but three days were spent at the area between Coral Lake and Sheep Mt.)

Response 179-403: The commenter drew conclusions about the percentage of users that were outfitter-guide clients with her data, not information about the probability of

encountering others. The FEIS on page 3-39 discloses that the Spanish Camp/Rommel Lake and Sheep Mountain/Corral Lake areas are frequently used by pack and saddle stock users. Pack and saddle stock outfitter-guide use is also high in these places since there are four assigned sites (Sheep Mountain, Crow Lake, Bald Mountain, and Beaver Creek). Commenter's observations are not a statistically valid study.

*Other Problems I Saw in Information on
Wilderness Character*

1. Because probably almost all if not all of the increase in outfitter service days will occur in exactly the same areas that stock outfitters now use, just these areas will receive the increase, not all of the wilderness, which is what the DEIS considered.

1A. The increased service days will be in exactly the two areas mostly used now by stock outfitters won't it? These are the two areas with the rolling terrain and meadows that outfitters like and need.

1B. To assess impacts of increased use, doesn't this have to be done for just these two areas, Bald/Rommel and Corral/Sheep?

Response 179-404: Refer to Response 179-52 for DEIS service day information corrected in the FEIS. Refer to Response 179-55 for information on the current number of service days in the Pasayten. Alternative 2 would increase the number by 11%, and Alternative 4 by 20%. These days would be spread across the Pasayten in established campsites currently used by the outfitters, not just in the Bald Mountain/Rommel Lake and Sheep Mountain/Corral Lake area, as the commenter suggests. Refer to Appendix A for a list of all established camps, and to Map 3.2-1 for the location. The environmental and social impacts of the increases are included in the resource sections of Chapter 3.

3. Isn't it a big error to discount encounters if the visitor did not find it negatively impacted their enjoyment? Wilderness character is defined by qualities described in the Wilderness Act, attributes like solitude.

Response 179-405: Encounters are not discounted. Refer to Response 179-97 and 179-392 for information on how the encounter analysis was completed.

2. Solitude has always a part of Wilderness character. Should "solitude" be defined by the people who responded to questions in these studies?

Should these people's perceptions, feelings, and expectations about Solitude define it? This is what the DEIS did.

Response 179-406: Solitude, and the amount of human interaction that degrades it, is not defined in the Wilderness Act and is a completely subjective quality of Wilderness character. Since everyone has a different perspective, the only way to measure and assess solitude is to gather input from wilderness visitors, and draw conclusions concerning

how the majority of visitors feel about outstanding opportunities for solitude. Refer to Response 179-393.

2A. Does it even matter if people are bothered by seeing other parties? Yet wilderness character issues were based on this. In fact, shouldn't data from people who not bothered be thrown out because they obviously aren't in the wilderness area for one of its greatest attributes?

Response 179-407: All opinions are valid and used to assess opportunities for solitude, not just those with which the commenter agrees. In fact, Table A5 in the 2009 Wilderness Use Study found that solitude was the second favorite thing among commenters, following beautiful scenery and views. Refer to Response 179-406 for more information on solitude.

2B. Many people who visit wilderness areas are not looking for a true wilderness experience of solitude or even value it. Aren't there are lots of reasons to recreate in a wilderness area besides having a primitive, solitary experience?

One study, most of the people said they were in the wilderness just to "hang out".

Response 179-408: Refer to Response 179-407. Solitude is valued by the people interviewed for the 2009 Wilderness Use Study. Table 24 in the 2009 Wilderness Use Study identifies the reasons people chose to visit the wilderness.

A study showed that a large percent of the visitors were from areas close to these wilderness areas. I suspect that these people were in the wilderness because it was the closest place to recreate.

Response 179-409: The commenter's suspicion that the reason that visitors who live close to the wilderness areas visit the areas simply because it is the closest place to recreate is not supported by the findings in the 2009 Wilderness Use Study. Table 24 shows that less than 1% of the Pasayten visitors and 9.8% of the Lake Chelan-Sawtooth visitors went to the wilderness because it was close to home.

In the Burns study, for instance, weren't many of the respondents picnicking near trailheads?

Response 179-410: Table 5 in the 2009 Wilderness Use Study shows that 11.9% of the people surveyed were picnicking, although it was not their primary activity.

2C. People today have fewer and fewer experiences with solitude as compared to people years ago so "solitude" means something different to them than was envisioned when the Wilderness Act passed.

Response 179-411: Solitude is not defined by the Wilderness Act. Refer to Response 179-406. The analysis follows the process described in Landers, et al., 2008. Refer to page 9 of that publication for a discussion of solitude, and how the concept is used in the analysis. Also refer to FEIS page 3-36 for a discussion of solitude.

2D. Aren't people who like horses more likely say (sic) that encounters with horse riders do not impact their enjoyment? Does this make horses part of wilderness character? I like to see horses sometimes because I like horses. But I'd rather visit Rimmel and Sheep again before outfitters arrived.

Response 179-412: The 2009 Wilderness Use Study compared responses from stock users to those of non-stock users, and displayed the findings in the report beginning on page 66. It is likely that a person who likes horses would have a better reaction to encountering horses than someone who dislikes horses. The elements of wilderness character are described in the FEIS on page 3-28. Horses are not part of wilderness character, however recreation use can impact opportunities for solitude or primitive and unconfined recreation.

2E. Don't people's feelings of what is solitude vary widely and is most based on their life experiences. How many are aware of the vision of solitude in the Wilderness Act.

Response 179-413: Refer to Responses 179-406 and 179-411.

2E. If we change the definition and essence of "wilderness" by linking it to how people respond to questions asked in a study, aren't we going to lose (sic) our real wildernesses? They will be managed for less and less solitude.

Response 179-414: The Forest Service is not changing the definition or essence of wilderness by conducting surveys to gather information about people's experiences in and feelings about wilderness. The impacts of the alternatives on wilderness character are described in the Wilderness section of Chapter 3. Considering the data generated in the 2009 Wilderness Use Study is just one part of the total analysis. Refer to the FEIS for the full analysis.

2F. People who have to pay an outfitter to take them into a wilderness will have a very different concept of wilderness than someone who goes without a guide. Isn't it unlikely that people with stock outfitters in parties of 12 people and 18 horses/mules experience anything like solitude, or probably expected it or wanted it.

Response 179-415: The commenter's comments about the personal knowledge of wilderness and the desire for solitude based on whether or not a person hires an outfitter, are personal value judgments and simply her opinion.

4. Don't many Americans need and value true "wilderness areas" even though they themselves may never visit one or when they do visit, they go for reasons other than having a wilderness experience as defined by the Wilderness Act?
A lot of Americans just want to know there are still places on this planet that are not dominated by humans.

Response 179-416: Wilderness areas are managed to comply with the Wilderness Act. Applying the concept of wilderness character to designated wilderness managed by the Forest Service is the primary administrative responsibility of the agency mandated by the

Wilderness Act. Many Americans likely value wilderness for a multitude of reasons.

5. Another major error in encounter data was that encounters were counted by PARTY, not by individuals. This means that meeting a party of 30 was counted as the same as meeting two backpackers. Each was one encounter.

Using this data, every party is the same, one, the DEIS concluded that there is a 96% probability of encountering not more than seven PARTIES on the trail on anyone day.

Response 179-417: Refer to Response 179-392.

6. Encounter data also did not reflect the true impact of an encounter because it failed to count horses/mules.

Isn't the impact of an encounter with people riding horses much greater than meeting several backpackers (sic)?

As a backpacker, the difference is great. Looking up at a rider passing by on a 1500 pound animal is impressive. They create a lot of dust. It really takes awhile (sic) for a string of 18 horses/mules to go by. Stock groups seldom stop. When I meet backpackers we visit awhile.

Backpackers are suppose (sic) to get off the trail to let horse riders pass and we sure do. Where there are steep drop-offs, we are suppose (sic) to get off on the downhill side. This is frightening. Isn't it probably more difficult for horse groups to pass each other, and to pass a string of 18 horses/mules?

Horses travel much faster than people on foot. This makes it scarier and harder to get out of the way. Carrying a heavy backpack makes this more difficult.

Wranglers with a string of pack animals sometimes does (sic) not have a lot of control over them. He can't just stop the string. A backpacker I met told me of having to leap into the trees to avoid being trampled by a string of pack animals who approached him too quickly. When the wrangler made an attempt to slow down his string, they bunched up and some went off the trail.

Response 179-418: The encounter analysis did not consider the amount of time it takes for various parties to pass each other. Refer to FEIS page 3-41 for the beginning of the discussion on how the analysis was completed, and the requirements of the Forest Plans regarding encounters. Forest Plan encounter standards and guidelines do not regulate the size of parties. That is regulated by the party size standard and guideline which allows parties up to 12 people and 18 head of stock.

7. Shouldn't encounters with people in camps also be counted?

Response 179-419: The Forest Plan standards and guidelines for encounters address encounters on trails, not in campsites. Refer to Responses 179-97 and 179-392.

8. Shouldn't encounters with loose grazing horse/mules were not included.

Visitors can have a lot of encounters with loose horses without people nearby because outfitters let their animals run loose to graze.

I have approached a meadow wetland hoping to catch sight of a deer only to find a herd of

horses grazing. Not a wilderness experience. I've come upon loose animals standing on main trails.

Response 179-420: As stated in 179-419, the encounters standards in the Forest Plans apply to the probability of encountering other parties on trails. The impacts of loose grazing animals on opportunities for solitude are addressed in the FEIS on pages 3-52, 3-72, 3-77, and 3-80.

9. If the max party number was dropped from 30 to 12 as in Alt. #2 to Alt. 3, wouldn't that mean a 60% drop in impacts? Wouldn't the numbers used in most wildernesses in Washington, 12/12 making 24 heartbeats also reduce impacts on wilderness character?

Why wasn't this the case in the analysis of Alt. #2 and #3 in the DEIS?

Response 179-421: The party size limitation in Alternative 2 is 12 people and 18 head of stock, not 30. Refer to Response 179-2. Refer to Response 179-5 for information about party size limitations in other wilderness areas in Washington. A party size of 12 heartbeats is common, not 12/12 or 24 as the commenter suggests. Alternative 3 evaluates the effect of a 12 heartbeat party size. The environmental impacts from pack and saddle stock outfitter-guides with Alternative 3 would be somewhat less than in Alternative 2 because of the reduced party size. However, since the pack and saddle stock outfitter-guides make up a small percentage of overall stock use, cumulative impacts from stock use would change very little comparing the two alternatives. Refer to the direct, indirect, and cumulative effects analyses in each resource section of Chapter 3 for a discussion of the impacts.

The DEIS used information from the Burns study. People were asked such things as if seeing other groups bothered them and did they see as many people as they expected, fewer or more.

When information about the people asked is looked at, does it seem like these people accurately represent the visitors who want the "classic" wilderness experience? Especially the backpackers who use the wilderness?

Children. 31% with in groups of 5 children or more.

Length of trip, 29% only stayed one day, while 43% were 1 to 3 days. Only 39.9 % stayed 4 to 6 days.

Most did not get very many miles from trailheads, yet 71% said they did not have to avoid places due to too many people. When asked the question about how many groups they expected to see, what would they say? About 65% said it did not feel crowded.

Response 179-422: All people interviewed for the statistically valid 2009 Wilderness Use Study wanted what they considered to be a wilderness experience, and the Forest Service considers all opinions valid. The majority of people interviewed, 86% were hiking or backpacking, so the feelings of this group of wilderness visitors are well represented in the finding reported in the Use Study (refer to page 18 of the 2009 Wilderness Use Study).

The quoted statistics are accurate; however the number of miles traveled was not part of the information gathered, but is an assumption on the commenter's part.

Questions about the validity of Information from the Two Studies that was (sic) used in this DEIS

1. Information on the "National Visitor Use Monitoring", which was one source of data used in the DEIS. Key Question: What can the DEIS say about wilderness character when the data is so flawed? As in other parts of the DEIS, wasn't every effort made to paint a rosy picture of impacts of Alt. #2?

(I took the following information from the study itself, not from the DEIS which failed to mention these facts.)

A. How valid does this data look to you?

- 1. There were only 52 contacts out of 59,600 wilderness visitors that year.
Is that sampling size likely to be a true representation of all wilderness visitors?*
- 2. Of these 52 contacts, only 45 (86%) agreed to answer the questions.
Why did 13% refuse? Could they be people who were more inclined to be sensitive to wilderness character and solitude issues?*
- 3. Of the 45 (86%) who agreed to answer, only 33 (73%) were in the wilderness for recreation. Who were the 12 (26%) respondents that were not in the wilderness for recreation? Shouldn't we question their responses? Is it likely that they were sensitive to wilderness character and solitude issues? That makes 26% of the 45 responses questionable.*
- 4. Wilderness visitors were asked to respond to one of 3 forms.
Only 13 people were respondents to the first and most basic form.
Only 6 responded to the second form that included economic data.
Only 7 responded to the third form, the one which asked about satisfaction.*

Response 179-423: As described in both the DEIS and FEIS, the National Visitor Use Monitoring process was developed to be statistically accurate to the 80 to 90 percent confidence level. The statistics provided by the commenter are from page 6 of the 2005 National Visitor Use Monitoring Results Reports (USDA 2006c, 2006d), Tables 3 and 4. The survey is designed to interview people leaving a recreation site following a selection protocol. People stating that they were not in the area to recreate were recorded as exiting the area, but were not allowed to complete the survey. Therefore, their opinions about wilderness were not included in the findings. Refer to the 2005 Visitor Use Report (USDA 2012) for complete information about survey design and implementation.

B. No data was given about the 45 respondents, not location, activity, age, length of stay, etc.

With such a small sampling size, how representative (sic) each response?

Response 179-424: The 2005 National Visitor Use Monitoring reports (USDA 2006c, 2006d) included the following information about those 45 people: gender (Table 35), age class (Table 36), ethnicity (Table 37), race (Table 38), and length of stay (Table 11). Table 14 compiles all data collected about activities, including wilderness and non-wilderness. The information was updated in the 2005 Visitor Use Report (USDA 2012) in the following

tables: Table 25 (gender), Table 27 (age), Table 26 (ethnicity and race), and Table 10 (length of stay).

1. Why the respondent was in the wilderness?

Is it possible that responses of backpackers in a groups (sic) 2 might be very different than that of clients in an outfitter's party of 30?

Response 179- 425: Each person interviewed was asked the activities and which was their main activity. The majority of wilderness visitors interviewed were backpackers, so the opinions of that group are well represented in the findings.

2. Which trailhead was the respondent at when asked to fill out a form? Might answers vary greatly by location?

Is it possible that a person at the Harts Pass trailhead might respond quite differently than someone at the remote trailhead out of Tonasket, Iron Gate?

Response 179-426: The information from National Visitor Use Monitoring program is designed to be valid at the forest, regional, and national level, not the district or site level. The report included data about the number of visits in the Pasayten and Lake-Chelan Wilderness individually, and consolidated information about the age, gender, race, ethnicity, and home location of all wilderness visitors. The data cannot be used to give specific information about visitors' experiences at individual trailheads.

3. What activity the respondent was involved in during this visit to the wilderness? Is it possible that someone taking 4 little children for a picnic and walk at a trailhead might have a very different answer than someone who had backpacked 20 miles into the middle of the wilderness for 10 days?

Response 179-427: As with the 2009 Wilderness Use Study, the NVUM data collectors interviewed all types of wilderness visitors, and considers all opinions valid, including those from groups picnicking with four small children near a trailhead and those on a 10-day backpack trip.

C. The study noted that this method omits all of the people who have chosen not to come to this wilderness because it is too crowded.

For the Rimmel Lake area, this group might be very large. Many backpackers avoid this area because it provides little solitude. It is also avoided by backpackers because it is very "horsey". I have sometimes felt more like it was more like a ranch than a wilderness around Rimmel Lake. Many backpackers also avoid this area because of the condition of the trails; deep mud and manure turn hikers away.

Response 179-428: The National Visitor Use Monitoring program compiles data from interviews with people exiting National Forest System Land. It cannot speculate about or include any information not gathered in the surveys, including opinions of people who did not visit the wilderness, and therefore who were not interviewed. Refer to the Limitation

of the Results discussion on page 5 of the 2005 Visitor Use Report (USDA 2012).

The FEIS discloses on FEIS page 3-39 that the Rimmel Lake area is more popular with pack and saddle stock users, while hikers tend to favor other portions of the Pasayten Wilderness.

D. The methodology used in this study was designed to be valid and applicable at the forest, regional, or national level, but not to district or site levels. Large numbers are necessary to represent the total population.

Response 179-429: This statement is correct. Refer to Response 179- 426.

E. Respondents were asked if they felt crowded based on a scale of 1 to 10. Very over-crowded was a 10 and hardly ever saw anyone was a 1. There were 33% who felt crowding at the 8 level with 10 being the most crowded. There were 33% who felt crowding at the 4 level with 10 being the most crowded. There were 33% who felt they hardly saw anyone.

Response 179-430: This information is correct. Refer to Table 23 in the 2005 Visitor Use Report (USDA 2012b).

F. This study collected data from all kinds of users of these national forests, such as people car camping, skiers, people stopping to use the restroom, and fishermen. It did not focus on just wilderness areas.

Response 179-431: This is true, however the information gathered from wilderness users was consolidated into information about wilderness users, including duration of visit, satisfaction ratings, crowding, site visits, gender, age class, ethnicity and race, and home zip codes, in the 2005 Visitor Use Report (USDA 2012b).

G. This is how the DEIS used this data: DEIS 3-17:

"Monitoring was completed in 2005 to gather information about the number of people Recreating (sic) in the wilderness areas. The National Visitor Use Monitoring Results for the Okanogan National Forest. September 2006 (USDA, 2006c), and Wenatchee National Forest, 2006 (USDA, 2006) generated information on the number and type of visitor days in the areas. These overall numbers were used throughout the analysis to display the amount of pack and saddle stock outfitter-guide use compared to nonoutfitted recreationists ... "

Response 179-432: This is an accurate quote from the DEIS on page 3-17, under Total Recreation Use Levels. The information was updated to reflect the revised report. Refer to this information in the FEIS, page 3-30.

Response 179-433: Inadvertently skipped in numbering.

DEIS 3-21:

Current outfitter-guide activities are a small percentage of overall recreation use in the Pasayten and Lake Chelan Sawtooth Wilderness Areas. In the Pasayten, outfitter-guide clients make up about 2% of total use and 5% of the pack and saddle stock use. In the Lake Chelan Sawtooth, outfitter-guide clients are about 1% of the total use and 3% of the pack and saddle stock use. It is impossible to differentiate the effects of pack and saddle stock outfitter-guide activities from non-outfitted pack and saddle stock use." (A quick comment on the last part. Isn't it easy for someone who is passing a party of 30 versus 7 horses with 4 riders, to tell which is an outfitted party and also isn't the "effect" quite different?)

Response 179-434: The 2005 National Visitor Use Monitoring Reports (USDA 2006c and 2006d) were not used for information on the amount of pack and saddle stock outfitter-guide service days. Refer to FEIS page 3-30 under Service Days, and FEIS page 3-31 under Comparisons of Outfitted and Non-Outfitted Use for the source of service day information, and how it was used with the data from the National Visitor Use Monitoring Reports to calculate the percentages. Also note that these percentages were corrected in the FEIS after more accurate calculations were made. Refer to Response 179-52. The DEIS statement about differentiating between outfitted and non-outfitted use was removed from the FEIS, which explained that the environmental effects of all recreation use, and how those effects change with the alternatives, are included in the cumulative effects section (FEIS page 3-27).

In response to the "quick comment", the party sizes of outfitted and non-outfitted groups vary, so assuming that a small group is not outfitted, and a larger one is outfitted will not always be accurate. The average party size for an outfitter-guide party over the past 11 years is 8 people and 14 head of stock (see FEIS, page 3-37). In addition, non-outfitted stock cause the same environmental impact as outfitted stock. Refer to each resource section in Chapter 3 for a discussion of these effects.

DEIS 3-23:

"The number of annual visits was 33,218 (USDA, 2006c & 2006d). The report states that the average length of stay was 40.7 hours (averaged for the Pasayten and Lake Chelan-Sawtooth combined), so the 33,218 visits was (sic) converted to approximately 56,332 visitor days."

Response 179-435: This is an accurate quote from this page of the DEIS. The use information was updated in the FEIS based on the updated NVUM report. Refer to FEIS page 3-30, 3-37, and 3-39. The full calculations are included in the Wilderness Report in the analysis file.

II. The Burns Study that was used

A second study used in this DEIS to determine wilderness character was the "2009 Wilderness Use Study. A comparison of Pasayten and lake (sic) Chelan-Sawtooth Wilderness Use Patterns", by Burns, Graefe, Robinson, and Woodruff.

First, I took this information from the study itself, not the DEIS,

Most of it was not in the DEIS.

Key Question: What does this data tell us about the impact of stock outfitters on "wilderness character"?

Response 179- 436: The purpose of the 2009 Wilderness Use Study was to conduct monitoring of the recreational carrying capacity of the Pasayten and Lake Chelan-Sawtooth Wilderness areas. It is the best available science and data pertaining to visitors' opinions about existing recreation services and an understanding of the effects of use levels and patterns on the quality of the recreation experience. This social carrying capacity is a key part of the recreation carrying capacity, which was studied and disclosed in the 2012 Needs Assessment.

Visitors' opinions about the quality of their recreation experience are an important part in the assessment of the opportunities for solitude in the wilderness. Each person's perception of solitude is different, and the 2009 Wilderness Use Study gives the Forest Service the best available information about these opinions. The report captures perceptions from a variety of users, and was not biased to specifically focus on conflict between one type of use more than another.

A. There were 313 respondents interviewed face-to-face using a 5 page form, at 31 different sites, on 125 sampling days.

B. Again, responses were not linked to anything: about the responses such as 1. what their activity was, and 2. what trailhead were they at.

Wouldn't it be useful to have the data broken down in these different ways? Why wasn't it also presented in these different ways?

Isn't some of this information in the raw data?

Response 179-437: The comment is correct that the data could be segmented in any number of ways, including trailhead, activity, etc. The data needs to be robust enough to be able to make a valid statement about the use, so breaking the data into small numbers would defeat the purpose of the study. The purpose of this study was to amalgamate responses from wilderness users and draw conclusions from the data. This was achieved and the data are appropriately presented in the report.

C. This is what the study did say about the respondents as one combined group.

Do these appear to be people who were visiting the main areas where the outfitters are, which are often 15 to 20 miles from a trailhead? Isn't this data being used to show impact of outfitters on "wilderness character"?

*Length of trip = 43% from 1 to 3 days, 39.9% from 4 to 6 days, 13.6 % for 7 to 10 days
Both wildernesses -overnight 70%, Day use 30% Pasayten overnight 71%, day use 29%
Number of adults in party 51.8% had 2 adults, 33.2% had 3 to 4 adults, 14.9 had over 5 adults
Number of children in the party 52.9% had 1 to 2 children., 15.7% had 3 to 4 children, 31.4% had 5+
Number of trailers per group 68% had one trailer, 31% had two plus trailers*

D. This is how THESE respondents answered these questions:

*Didn't feel crowded -65% **

*Could find places of no conflict -70% **

*Management of balance of social and biological values was good -71% **

**Attitude towards seeing other people * (This departs from desire for solitude)*

Doesn't reduce my enjoyment -30%

Doesn't matter either way -69.5%

**Which best describes your experience: **

Solitude -52.9%

Semi-wilderness (complete solitude not expected) 29.2%

Undeveloped roaded -13.7%

Scenic (see many people) 2.4%

Social recreation with people -1 %

Did you expect to see the number of people you did see?

39% expected what they saw

34% saw fewer than they expected

*For what percent of your stay, were you in sight of other groups? **

I was never in sight of anyone -22.1% of respondents

I was within sight of other groups 1 to 9 % of my trip -10.6% of respondents

I was within sight of other groups 10 to 14% of my trip -45% of respondents

I was within sight of other groups 15 to 25% of my trip -9.6% of respondents

I was within sight of other groups 25 to 39% of my trip -4.6% of respondents

I was within sight of other groups over 40% of my trip -7.3% respondents

I was disappointed with some aspects of my visit and recreation areas were NOT compatible

-54% strongly disagreed

Behavior of other people at the Pasayten Wilderness area interfered with the quality of my experience -57% strongly disagree

Did you have conflicts with other parties?

Stock users -11.4%

Non-stock users -1.5%

Preferred party size?

Party of 5 or less -69% stock users, 85% non-stock users

Party of 6 to 15 -16% stock users, 10% non-stock users

Party of 16 to 25 -0% stock users, .8% non-stock users

Doesn't matter -14% stock users, 3.5% non-stock users

E. Out of all of this data, this is what the DEIS selected. DEIS 3-24:

"The 2009 Wilderness Use Study gathered information on people's perception of the opportunity for solitude by asking about crowding. Approximately 90 to 95% of those interviewed did not feel crowded at all or felt only slightly crowded (sic) during their trips in wilderness areas. The feeling of crowds is grounded in a person's expectations, and about three-quarters (72% in the Pasayten and 79% in the Lake Chelan-Sawtooth) (sic) of the people saw as many or fewer people than they expected. Roughly one-half (55%) in the Pasayten and 42% in the Lake Chelan-Sawtooth) of visitors felt solitude as part of the wilderness experience, while the other half (43% in the Pasayten and 48% in the Lake Chelan-Sawtooth) felt that they did not expect complete solitude and expected to see other people some of the times. (Burns, et al 2010)"

"When asked if other people increased the enjoyment of the trip, visitors were nearly evenly divided between feeling others increased their enjoyment, feeling neutral about others. In the Pasayten, 45% of the visitors were neutral, 29% agreed or strongly, agreed with the statement, and 26% disagreed or strongly disagreed. In the Lake Chelan-Sawtooth, the split was similar, with 32% feeling neutral, 34% agreeing or strongly agreeing, and 34% disagreeing or strongly disagreeing. "

** Why didn't the DEIS mention this information? **

Response 179-438: The statement is correct, as all of the information provided in the comment above was pulled from the 2009 Wilderness Use Study. The FEIS includes critical, synthesized responses derived from the 2009 Wilderness Use Study. The study is referenced in the FEIS, and all data are reported, as the comment above states.

Section #7

Mitigation Measures and Monitoring

Often it is promised that mitigation measures and monitoring will bring compliance with different management directives, or minimize negative impacts. This is often doubtful when the mitigation and monitoring are looked at closely.
and

If these don't work as promised, does Alt. #2 actually comply with management directives?

1. Many mitigation measures do nothing more than require outfitters to obey existing rules and regulations, such as Forest Plan S&Gs. Can these even be called mitigation measures?

Don't these simply require outfitters not to violate existing regulations such as Forest Plan S&G and CFRs?

Some examples.

Mitigation # (1j) Can't cut and damage standing trees and snags.

Mitigation # (1L) Must obey all the rules and regulations that other users have to obey.

Mitigation # (2a) Must dispose of human excrement and toilet paper properly.

Mitigation # (3c) Can't tie stock to trees for extended periods of time.

Mitigation # (3e) Can't let horses/mules graze within 200 feet of lakes.

Mitigation # (3f) Can't hitch, tether, hobble horses/mules within 200 feet of lakes.

Mitigation # (4a) Must okay a party size over 30 before you do it.

Mitigation # (5a) Can't cut or remove green trees and other live vegetation.

Mitigation # (6a) Can't feed or harass wildlife.

Mitigation # (6c) Must store bear attractants in bear proof containers.

Mitigation # (6e) Can't use poisons without permission.

Mitigation # (8b) Must use only certified weed-free hay.

Mitigation # (1 g) Can't expose tree roots.

Mitigation # (6e) Can't use poisons without approval.

Mitigation # (1 i) May use campfires if there is sufficient dead wood.

Mitigation # (1b) Must have only temporary in nature camp facilities. Must take down and remove these facilities at end of season.

Mitigation # (4a) Must get permission to have over-sized parties.

Mitigation # (1e) Must take all equipment out of non-reserved sites when leaving

Response 179-439: Refer to Response 179-148 for information on mitigation. The measures were revised between the draft and final EIS. The summaries provided by the commenter are generally accurate, but refer to each from in the FEIS for the full text. Some of these are CRF regulations, but not all. As stated on FEIS page 2-19, these measures will be incorporated into the annual operating plans. The CRFs are included in the mitigation list because they mitigate potential impacts to resources, and to make a clear transfer of the mitigation list to the annual operation plans.

2. Some mitigation measures cannot be followed as long as outfitters allow their horses/mules to run loose all night. If these can't be followed, how will they help? How can these be followed when the horses/mules are running loose, unsupervised, all night?

Mitigation # (3e) Horses/mules cannot be within 200 feet of lakes. Impossible to follow because this DEIS allows outfitter animals to run loose AND allows outfitters to camp near lakes. Many outfitters camp near enough lakes that their loose animals graze next to them and go to the lakes to drink. (Outfitters use camps near Goat Lakes, Corral Lake, Ramon Lakes, etc.)

Response 179-440: Refer to Response 179-115 for information about lakes. The loose graze areas around each outfitter-guide camp are selected to keep stock away from lakes. If outfitter stock are found grazing within 200 feet of a lakeshore, the outfitter will be notified of the non-compliance, and required to modify the grazing area or practices to

ensure stock do not graze in this zone. Also refer to Response 179-129.

Mitigation # (3h) Horses/mules are not permitted to run loose on trails or travel routes. Again impossible to follow because the DEIS allows stock to run loose and are it also allows outfitters to camp near trails or travel routes.

Response 179-441: Refer to Response 179-249.

Mitigation # (1b) and Mitigation # (1n) Outfitters will follow "leave no trace" camping practices and outfitters will review minimum-impact travel and camping techniques with their clients. These won't work because 1.a most important "leave no trace practice is using as few pack stock as possible and the DEIS allows outfitters to have up to 18 animals. 2. Another important "leave no trace" practice is to keep animals out of streams and wetlands. This DEIS allows animals to graze loose and there are streams and/or wetlands in every camp's grazing area. 3. A third LNT practice is to keep animals out of other people's campsite. Again impossible if animal (sic) run loose to graze.

Response 179-442: Refer to Response 179-13 concerning using as few animals as possible, Response 179-187 and 179-191 for impacts to riparian areas, and Response 179-185 for wetlands. The impacts of loose grazing on opportunities for solitude are disclosed on FEIS page 3-52, and impacts of loose grazing on streams is on FEIS pages 3-201 through 3-211 (see Response 179-129).

Mitigation measures # (1f) and (1g) Neither can be monitored or enforced because of Mitigation #(1e) which says outfitters may use non-assigned camps that are used by both outfitters and the general public. How will MVRD know who increases mineral soil or exposes more roots a these non-assigned camps?

Response 179-443: The Forest Service performs field monitoring at assigned and non-assigned sites. The monitoring is done when the outfitter is in the camp so the Forest Service employee can assess any damage and determine if it has been caused by the outfitter. Refer to Responses 179-31 and 179- 33.

Mitigation # (1h) says existing campsites may need to be closed to protect resources This is not being followed right now which makes it look like this mitigation measure will ever be used or is even very important. A number of existing camps, even including some "reserved" ones, significantly damage significant natural resources like streams, wetlands, sensitive plants, etc. and yet use will continue.

Response 179-444: This mitigation measure specifies that campsites will be closed if necessary, and nowhere does the FEIS state that no existing camps will ever be closed or relocated. The analysis disclosed in Chapter 3 of the EIS indicates the camp resource effects are currently acceptable. Refer to Responses 179-131, 179-138, 179-144, and 179-239.

Mitigation # (6a) campsites should not disrupt wildlife such as camping next to water

sources. Many camps that outfitters use, including most "reserved campsites" are next to water sources, some very close.

Response 179-445: Refer to Response 179-136 for an explanation of the mitigation measure. Refer to Response 179-187 and 179-191 for the riparian area analysis.

Mitigation # (6e) Under Forest Service regulations, use of poison is already illegal unless approved. Who thinks any use of poisons in wilderness areas is just because a camper finds rodents inconvenient? And what other wilderness campers ever ask to use poisons? Giving outfitters "reserved campsites", will greatly increase chances that poisons will be used. It is only outfitters with permanent camps who want to and/or need to use poisons because they are the only ones who set up cook tents and stay (sic) the whole season. Their tents remain in the same place all summer so they attract many rodents. Outfitters live at these sites will want to "take care" of their rodent problems.

Response 179-446: Refer to Response 179-38. Rodenticides are not allowed.

Mitigation # (1i) will cause negative impacts because it is based on a DEIS finding that is incorrect. This DEIS concluded that there is sufficient down wood but this is wrong. There is not enough down wood around the two campsites located up on the flat area above Rimmel Lake near Amphitheater. I did extensive observations in this area and found there was so little down wood outfitters were cutting lower branches off live trees and removing one of the most scenic features of the area, ancient silver-colored snags. Campfires should be banned here. The DEIS is wrong.

Response 179-447: Refer to Response 179-123.

Mitigation # (1q) Why can't a decision even be made on whether it is two or three? If use is limited, where will the additional service days allowed under Alt. #2 occur? These are the two areas outfitters use the most and this is because these areas offer the conditions stock outfitters find perfect: easy terrain and lots of meadows for grazing. Where will the additional 25% use occur if not in these areas?

Response 179-448: Mitigation measure 2a on FEIS page 2-20 states that there will be a limit on the number of pack and saddle stock outfitter-guide camps in the Hidden Lakes area (two parties at a time) and in the Spanish Camp/Rimmel Lake area (two to three). The Hidden Lakes area is small with very limited graze, so no more than two outfitter-guide camps would be acceptable. The Spanish Camp/Rimmel Lake area is much more open with ample graze. The decision between two or three camps would be based on the camp location, time of year, and how long the camps would overlap. This would help ensure that established campsites would be available for non-outfitted visitors. Outfitters would be allowed to request alternative established campsites elsewhere in their permit areas if trip locations need to be changed to comply with the mitigation measure.

The DEIS does not include any alternative that would increase service days by 25% in the Pasayten Wilderness. Refer to Response 179-55.

3. Isn't the whole point of mitigation measures is to reduce negative impacts? How will these mitigation measures do this?

Mitigation # (4c) Travel routes will be identified to minimize impacts to wet soil and meadow areas. How will identifying them help? Shouldn't these areas be avoided, and how will this happen if the horses/mules are running around unsupervised?

Response 179-449: This mitigation measure was re-worded in the FEIS to make it clearer. The new mitigation measure 10c on FEIS page 2-24 states that stock travel routes between camps and loose grazing areas would be managed to minimize the number of trails passing through wetlands. Refer to Response 179-129 for information on the analysis of loose grazing.

Mitigation # (1b) The outfitter will set an example for all to follow concerning leave-no-trace camping practices and minimizing the impact on wilderness character. There are no mitigation measures in this DEIS that require outfitter to practice any of the most important LNT trail and camping methods. Much more on this later.

Response 179-450: Refer to Responses 179-10 and 179-13.

Mitigation #(1i) Campfires will be allowed in areas with sufficient down wood. What negative impact does this reduce? A real mitigation measure would be, campfires will not be used. A basic LNT practice is to use small or no campfires. A Forest Plan S&G and LNT practices also encourage people to cook with stoves, not on fire.

Response 179-451: This mitigation measure will reduce the impact that would occur if campfires were allowed everywhere, even when campfire wood is limited. Mitigation measures 5 a and b require outfitter-guide to follow Leave-No-Trace principles. Refer to Responses 179-10, 179-13, 179-123, and 179-124. An alternative was considered but eliminated from detailed study to prohibit firewood gathering in sub-alpine ecosystems; rationale is provided on page 2-3 of the FEIS, #6.

Mitigation # (6e) This allows use of poisons, rodent control, with permission. A real mitigation measure would forbid use of poisons and require outfitters to find other solutions to rodent problems ..

Response 179-452: Refer to Response 179-38.

Mitigation # (1a) Camp locations will be approved. This infers that camps will be carefully located to avoid degrading important resources. How is this so when some the campsites designated in the DEIS as " reserved camps" are located the worst locations?

Response 179-453: Mitigation measure 1a on FEIS page 2-19 states, in part, that all camp locations will be approved prior to use. The Forest Service can deny the use of camps due to resource conditions, or other circumstances. Refer to Response 179-15 and 179-28 for information of the analysis of assigned sites.

Mitigation (sic) # (1e) Non-assigned sites will be available on a "first come, first served" basis, meaning they will be used by both outfitters and others. Does this mitigate something? What negative impact does it reduce? This one also doesn't make much sense when the next two mitigation measures require that the camps will be monitored to insure outfitter compliance.

Response 179-454: Mitigation Measure 1e from the DEIS was modified in the FEIS. The revised mitigation measure, #2h found on FEIS page 2-21 mitigates impacts to non-outfitted visitors that could occur if outfitters were allowed to set up a camp ahead of time to save it, or if outfitters took down a private camp if in a spot they wanted to use. This could reduce the number of established campsites available to visitors, and lead to creation of new camps. Refer to FEIS page 3-67. Because outfitter-guides are required to identify ahead of time which campsites they intend to use, the Forest Service knows where the outfitters will be. If the site they intended to occupy is already occupied, it is simply a matter of finding their camp within the general vicinity.

Mitigation # (1f) Can not (sic) be monitored or enforced in non-reserved sites because of mitigation # (1e) Mitigation # (1g) Can not (sic) be monitored or enforced in non-reserved sites because of mitigation # (1e)

Response 179-455: DEIS mitigation measures 1f and g (1e and 1f in the FEIS) prohibit outfitter-guides from increasing the amount of barren core at any established campsite, and prohibit them from exposing roots on trees. The monitoring and enforcement of this would occur in the field monitoring trips when the campsite is occupied by an outfitter so the Forest Service employee can see if any new damage is from the outfitter's activities. DEIS mitigation measure 1e (2h in the FEIS) states that all non-assigned sites are on a first-come-first-served basis, ensuring that campsites will be available for the non-outfitted public (refer to Response 179-454). This mitigation measure in no way interferes with the other mitigation measures. Mitigation measure 1a requires that all camp locations, including full-service and drop camps, will be approved prior to use. If an alternative campsite must be used due to occupation or emergency, the outfitter will select an established campsite large enough to accommodate the party size. The outfitter will notify the permit administrator within one week from the end of the trip.

Mitigation # (7b) Party size outside the wilderness will be in operating plan. The focus of this DEIS is wilderness areas, not areas outside.

Response 179-456: This analysis covers the entire area of operation for pack and saddle stock outfitter-guides, including 418,206 acres outside designated wilderness. Refer to FEIS page 1-2 for a description of the analysis area, the Recreation section of Chapter 3, beginning on FEIS page 3-107, and to Maps 1-2 (Analysis Area), 1-3 (Analysis Area Subunits), and Maps 1-4 through 10 for outfitter-guide activities in areas outside

wilderness.

Mitigation # (8c) outfitters should "consider" feeding certified hay several days before the trip to minimize the spread of weed seeds through manure. How does this do anything? What is required?

Response 179-457: This is not required by the CFR that prohibits any feed that is not weed-free certified, and therefore is not a requirement for the outfitter-guides, rather a suggested way to reduce introduction of invasive plants.

4. How can the three items under aquatic resources (7a) (7b) (7c) be considered mitigation measures? What do they require outfitters to do? How will any of these reduce negative impacts to water and riparian resources? Yet the water and aquatic sections of this DEIS repeatedly say these three will do just than (sic). It is also promised that these will bring compliance with the aquatic and water sections as ways to minimize impacts and comply with the NW Forest Plan, Clean Water Act, etc.

Response 179-458: Refer to Response 179-148. We agree that these mitigation measures weren't clearly written. DEIS mitigation measures 7a, b, and c were dropped, and new mitigation measures added in the final EIS. Refer to FEIS page 2-19 for revised list, and FEIS pages 3-177 and 3-221 for discussion on how the mitigation measures will reduce impacts to water quality and riparian reserves.

Mitigation # (7a) Provide stream and riparian habitat protection based on the Forest Plan, NW Forest Plan, and PACFISH. Does this require outfitters to do anything? How does this prevent impacts? Also interesting is that this DEIS found the 117.2 acres of wetlands currently impacted by camps to be in compliance with all of these.

Response 179-459: Refer to Response 179-458. Also refer to Responses 179-188 and 179-195 for information on the 117.2 acres of wetlands.

Mitigation # (7b) Ensure that PACFISH and NW Forest Plan Objectives are met. How does this reduce impacts? What are outfitters being asked to do? This is even more complicated because the DIES Found that none of the existing damage to riparian areas is large enough to be important. What could outfitters actually do that would be considered serious by this DEIS?

Response 179-460: Refer to Response 179-458. Refer to Responses 179-187 and 179-191 for information on the riparian area analysis.

Mitigation # (7c) Riparian habitat will be protected by maintaining shade and vegetation adjacent to it. What does this ask outfitters to do? And as long as outfitters are encouraged to graze their stock loose, this will mean some of their horses/mules will be in riparian habitats and may eat vegetation there? This is also complicated by the fact that this DEIS concluded none of the current aquatic impacts are significant because they are small and localized. Again, what could outfitters do that would be considered significant to this DEIS?

Response 179-461: Refer to Response 179-458 for information on the revised mitigation measures. Also refer to Response 179-129 for information on loose grazing, and to FEIS beginning on page 3-201 for specific discussion on the impacts of loose grazing on riparian areas.

5. Some mitigation measures are so vague that it will be difficult to get people to agree on what they mean. Don't requirements need to be stated clearly if outfitters are to be held accountable and if they are to be enforced? What does these mean?

Mitigation # (1b) Outfitters will follow low-impact camping practices. It never explains what low-impact practices it is talking about. Only one is actually mentioned; use of natural colored tents and tarps. How important is this, really? How does it reduce impacts to important resources like water? This may help camps blend in with the background but is this a problem that many have complained about?

Response 179-462: Refer to Responses 179-10 and 179-13 for information on leave-no-trace. This mitigation measure does not reduce or mitigate impacts to water. Refer to FEIS page 3-177 for a discussion of the mitigation measures/best management practices to reduce impacts to water quality.

Mitigation # (1q) Only two or three outfitter parties will be allowed to use the Spanish Camp area or the Sheep Mt. area at one time. Is it 2 or 3?

Response 179-463: Refer to Response 179-448.

Mitigation # 5d) Salt use is addressed in a manner that is so vague it is meaningless. It says to do it in such a manner as to minimize wildlife attraction and trampling but It (sic) doesn't say what method is acceptable. What method is acceptable? I don't know of a single one that an outfitter with 18 horses will actually do?

Response 179-464: This mitigation measure was revised in the FEIS to add more details about the use of salt. Refer to FEIS page 2-25, mitigation measure 12f.

Mitigation # (1b) "Outfitter camps will set an example for all to follow concerning leave-no-trace camping practices." Is this even a mitigation measure? What exactly does it require an outfitter do? How can this be enforced if it isn't carefully defined? Who and when will it be defined? Shouldn't this be in the DEIS so we can comment on it?

The ONF Forest Plan has always required that low impact camping methods be used, MA15B-21H, "Minimum impact techniques shall be used." Few outfitters have used a lot of these method (sic). I've been told MA15B-21H is too vague to enforce, that MVRD could never use it as a basis for giving an outfitter a poor evaluation or to take priority use days away. The treatment of low-impact methods is no better in the mitigation measures in this DEIS.

Response 179-465: Camp management plans are required for all assigned sites, as stated in the DEIS on page 2-8 and FEIS page 2-19. Refer to Responses 179-10 and 179-13.

6. Some mitigation measures don't work because there is no way to do them. Exactly how do outfitters follow these?

Mitigation # (6a). Letting wildlife have salt, whether intentional or not, is feeding wildlife which this measure prohibits. Is there a way to feed animals salt without attracting wildlife? I know of none except feeding salt by hand or in feed bags. Will outfitters with 18 animals do this? What methods will work that will also be used by the outfitters?

Mitigation # (5d). This one is on salt again. Same as above. How can it be done?

Response 179-466: Refer to Response 179-464.

7. How do the mitigation measures that infer outfitter will use of low-impact camping methods work? I found this part of the DEIS very confusing. Shouldn't the exact LNT practices be defined? Otherwise how can they be required, monitored, and enforced?

Outfitters are required to review LNT practices in #1n, and it implies that the practices in the 4 listed brochures will be the ones reviewed. Yet outfitters are not required to use these LNT principles. And in fact they can't and don't use some.

Mitigation #(1b)

Mitigation #(1n)

The DEIS says outfitters will review the "leave no trace" practices in these pamphlets: Rocky Mountain Leave No Trace Skills and Ethics, North American Leave No Trace Skills and Ethics and Horse Use Leave No Trace Skills and Ethics Which practices will outfitters be required to use and which will they teach their clients?

If they are like the LNT books and pamphlets I have on horse camping, every single one of these pamphlets will say that stock should be kept out of streams and wetlands. They will all say that campers should use as few stock as possible to reduce impact. They will all say campers should use things like freeze dried foods to reduce weight and thus the number of pack animals needed. They will all say campers should use very light clothing so fewer pack animals are needed? They will all say to use lighter weight gear such as kitchen utensils, tents, sleeping pads, etc.

Quoting from a popular brochure on low impact horse camping that the Forest Service distributes called Horse Sense:

"FOOD. Try prepackaged meals, dehydrated or freeze-dried food repackaged food to save space and to reduce weight. Use light weight, reusable plastic containers and plastic bag instead of glass and cans. "

One of the brochures listed in the DEIS that outfitters are suppose (sic) to review with clients, "Leave no Trace Outdoor skills and Ethics", says:

"Some of us grew up with the tradition of campfires. But they are no longer essential to comfort and food preparation. Many lasting impacts associated with campfires can be avoided by using lightweight stoves, fire pans, mound fires and other Leave No Trace techniques. " (page 18)

"Plan meals to avoid generating messy, smelling garbage. It is critical to wildlife that we pack out kitchen waste, such as bacon grease and left-overs. Don't count on a fire to dispose of it "

How many of the MVRD outfitters use the low-impact methods mentioned above? How will

MVRD outfitters teach these methods to their clients if they don't use them?

Response 179-467: Refer to Responses 179-10 and 179-13.

8. Some of the mitigation measures are of very limited value because they only apply to "reserved camps". What percent of the outfitters' total service days are spent in this kind of camp? What percent of the outfitters have reserved camps? The DEIS did not have either of these pieces of information.

Response 179-468: Three of the existing pack and saddle stock outfitter-guides have assigned sites in wilderness. Two outfitters have two each, and another has one. The number of service days spent in each camp varies from year-to-year, and is recorded on the final use forms in each permit folder. The only FEIS mitigation measures that only apply to assigned sites are 1b and 3d. The effects analysis was based on use of the campsites regardless of the frequency. Refer to Responses 179-28 for assigned site analysis.

These apply only to "reserved camps":

Mitigation # (1b) Camp structures will be temporary and removed at the end of the season.

Response 179-469: This mitigation measure applied to all outfitter-guide camps. It was revised in the FEIS, and still applies to all outfitter-guide camps. Refer to Responses 179-10 and 179-13.

Mitigation # (1c) Camp management Plans will be developed for assigned camps.

Response 179-470: This mitigation measure does apply to assigned sites, however mitigation measures 1c and d require camp management plans for all camps with an excess of 5,250 square feet in Alternatives 2 and 4, and in excess of 2,800 square feet in Alternative 3, whether they are assigned sites or not.

Mitigation # (1f) The bare soil issue can only be monitored in assigned camps.

Response 179-471: The commenter is mistaken in the assumption that bare soil can only be monitored in assigned sites. The Forest Service monitors all camps used by the outfitters, not just the assigned sites. Refer to Response 179-31, 179-33, and 179-455.

Mitigation # (1g) The exposed roots issue can only be monitored in assigned camps

Response 179-472: As with the previous comment, the commenter is mistaken in the assumption that exposed roots can only be monitored in assigned sites. Refer to Responses 179-31, 179-33, and 179-455.

Mitigation # (1k) Permission to store firewood

Response 179-473: The commenter is correct that this mitigation measure only pertains to assigned sites. Outfitters are not allowed to store firewood in non-assigned sites. Refer to FEIS page 2-21, number 3d for the full mitigation measure.

Mitigation # (5d) Travel routes will be identified to avoid wet soil and meadows.

Response 179-474: This DEIS mitigation measure was re-worded in the FEIS, and is on FEIS page 2-24, #10c. It applies to stock travel routes from any outfitter camp, not just assigned sites, as the commenter suggests. Refer to Responses 179-245 and 179-449.

Mitigation # (5e) Facilities (corrals hitch rails, etc.) will be designated, approved.

Response 179-475: This mitigation measure applies to all camps used by outfitters, not just assigned sites. The full mitigation measure discusses any overnight stock handling facility (corrals, hitch rails, and highlines). Refer to the measure 8b on FEIS page 2-23 for the full text.

9. Are there similar mitigation measures for "non-reserved sites? Will these be monitored? How often? As often as the "reserved camps"? In "non-reserved" sites, how will the person who does the monitoring know if a problem is caused by an outfitter or a non-outfitter?

Response 179-476: Refer to Responses 179-31 and 179-33. Unless otherwise noted, all mitigation measures apply to any camp used by an outfitter. Refer to the immediately preceding responses, and to the mitigation measure list that begins on FEIS page 2-19 for more information.

*****8

Why weren't there mitigation measures for these?

These include LNT practices, Forest Plan S&G since these are used as mitigation measures, and some are problems I've seen at outfitter camps.)

1. Requiring that garbage with (sic) be packed out? Section #2 says it will address garbage but it does not. Will it be packed out which is a basic low-impact practice? Burned? Buried? Left out for wildlife? Shouldn't the method be spelled out exactly?

Response 179-477: This mitigation measure was added to the FEIS. Refer to FEIS page 2-23, mitigation measure #7e.

2. Respecting and following directions of MVRD staff including wilderness rangers. I'd add this because it has been a major problem in the past.

Response 179-478: The Methow Valley Ranger District has put a considerable amount of effort towards improving the administration of the outfitter-guide permits and the relationship with the outfitters over the past 10 years. Refer to the list of activities on FEIS page Appendix F-4. A mitigation measure for this is not needed. If outfitter-guides

fail to follow the terms and conditions of their permits, they will be in non-compliance with their permits and permit action would be taken.

3. Prohibiting harassment of others in the wilderness, including other outfitters, the public, and scientists. Again this was such a problem in the past, isn't there a chance it could happen in the future?

Response 179-479: The outfitters receive a performance evaluation annually, and are rated on their interactions with non-outfitted public. There have been very few reported problems over the past 10 years. A mitigation measure is not needed. Refer to Alternatives Considered But Eliminated, #13 on FEIS page 2-5.

4. Keeping loose horses/mules out of other visitor's campsites. Isn't this one of the most basic LNT practices? Isn't there a good chance this will happen if stock are loose all night and the camp is within 2 miles of another camp?

Response 179-480: Refer to Response 179-129 for loose grazing, and to 179-291 for stock wandering through camps.

5. Keeping loose horses/mules out of closed and marked habilitation (sic) sites. Isn't this required by a CFR yet it does happen?

Response 179-481: Refer to Response 179-128.

6. Requiring safe and courteous passing of other parties on trails. I talked to more than one backpacker who was barely able to get out of (sic) a string of pack animals before they trampled him.

Response 179-482: The outfitters receive a performance evaluation annually, and are rated on their interactions with non-outfitted public. There have been very few reported problems over the past 10 years. In addition, interactions on the trails require cooperation by all parties, as described in Leave-No-Trace booklets. One of the principles of Leave-No-Trace is that groups leading or riding livestock have the right-of-way on trails. Hikers should move to the downhill side and talk quietly to riders as they pass, since horses and other pack animals frighten easily. No mitigation measure is needed. Refer to Alternatives Considered but Eliminated #13 on FEIS page 2-5.

7. Providing maps to clients and drop camp parties (or make sure they have them). More than once I had to tell outfitter clients who were out walking either where they were and/or how to get back to their camps.

Response 179-483: The Forest Service has never received a complaint from an outfitter-guide client about not receiving adequate or appropriate information from the outfitter. Outfitter-guides provide wilderness and Leave-No-Trace information to clients. The outfitter is able to provide more detailed information about the area around camps in full-service or progressive trips, when the guide is with the clients throughout the trip. Drop camp clients are responsible for having maps and knowing the area where they are dropped. No mitigation measure is needed. Refer to Alternatives Considered but

Eliminated #14 on FEIS page 2-5.

8. *Prohibiting the discharge of weapons except for hunting or protection. Including shooting rodents such as ground squirrels. I twice saw this happen.*

Response 179-484: The outfitters must follow state laws regarding hunting. There are also CFRs about discharging firearms. No additional mitigation is needed. Refer to Alternatives Considered but Eliminated #15 on FEIS page 2-5.

9. *Providing humane care of their animals. Some outfitters tie their animals in dirty hitching areas for hours and even all day without any relief from biting flies, etc. This would also address things such as saddle sores and forcing an animal to carry too much weight, etc.*

Response 179-485: The mitigation measure identifying loose grazing as the preferred method helps reduce the amount of time stock are tied up. Treatment of stock is one of the evaluation criteria in the annual performance review. No mitigation measure is needed. Refer to Alternatives Considered but Eliminated #16 on FEIS page 2-5.

10. *Hitching stock only in clean, sanitary conditions. Don't these need to be more than once a day when animals are tied up in these places all day? The DEIS mitigation measure does not say this. Instead it vaguely says to spread out manure once in awhile (sic).*

Response 179-486: Clean, sanitary conditions do not exist in stock camps, with the exception of the kitchen or cooking area. Mitigation measure 7b states that heavy concentrations of stock manure near campsites or in areas where stock have been tied will be scattered to ensure it does not become an attractant for wildlife or degrade water or campsite quality. Refer to FEIS page 2-15. The mitigation measure identifying loose grazing as the preferred method (8a) helps minimize manure build-up. Refer to Alternatives Considered but Eliminated #17 on FEIS page 2-5.

11. *Extinguishing campfires until they are cold before leaving the area. Since this was a problem in the past, might not it be a problem in the future?*

Response 179-487: This has rarely happened in the past, but if an outfitter does leave a campfire burning, it would violate the CFR 261.5 d. Refer to FEIS page 2-19 for discussion of CFRs and Appendix D-1. CFRs are legal requirements and outfitters must comply with them. No mitigation measure is necessary. Refer to Alternatives Considered but Eliminated #18 on FEIS page 2-5.

Have you considered requiring some of these common LNT practices, not encouraging them, but requiring them? Why aren't there mitigation measures addressing these?

These are all recommendations from two books and two pamphlets on using horses:

- 1. Trail Riding and Pack Trips in Washington, by Dick and Ladonna Woodfin*
- 2. The Backcountry Horsemen Horseman's Guide to Washington, by John Wolcott*
- 3. Backcountry Horsemen Booklet. Backcountry Horse Use Skills and Ethics.*
- 4. Horse Sense: Packing Lightly (sic) on Your National Forests, by Forest Service*

A list of commonly recommended LNT principles you might add to mitigation:

- 1. Where to Put Stock?: Keep pack animals at least 200 feet from streams, lake shores, trails, and camping areas. (4) (1) (2)*
- 2. Camp at least 200 feet from water sources and trails. (4) (3)*
- 3. Watering horses: avoid wet marshy areas. Sensitive riparian areas, stream banks. Use an established ford or rocky area or use a bucket. (3) (2)*
- 4. Food-Try repackaged meals, dehydrated or freeze-dried food, or repackage food to save space and to reduce weight. (4)*
- 5. Although it's tricky, keep your stock from skirting shallow puddles. (4) (2)*
- 6. Pack in-pack out. Don't burn or bury. (4) (3) (1) (2)*
- 7. Stoves strongly recommended over cooking over a fire. (4) (3) (1) (2)*
- 8. Campfires are costly (wood, sterilize soil, blacken rocks) None, small, short. (2)*
- 9. Take light weight equipment to minimize pack animals. (2) (3) (4)*
- 10. When grazing animals, resist meadows. (2)*
- 11. Bells -do not use bells if camping close to other parties. (2)*
- 12. Speak to hikers when coming upon them. (calm horses, friendly) (2) (1)*

This detailed analysis of DEIS mitigation measures is important because the DIES often claims that these measures will ensure compliance with different management directives. Is this really true?

Response 179-488: Refer to Responses 179-10 and 179-13 for information on leave-no-trace requirements. The LNT booklets are not direction, but are recommendations for camping and traveling to reduce impacts from recreation. Mitigation measures 5a and 5b on FEIS page 2-22 state that the outfitter-guides must use leave-no-trace techniques that are applicable to each camping location.

1. How will this claim in regards to the NW Forest Plan and PACFISH and Forest Plan S&G on DEIS page 3-190 ensure that Alt. #2 complies?

The DEIS claims:

"The design criteria and mitigation measures listed in Chapter 2 were used to ensure that all of the alternatives are consistent with the Forest Plans as amended by the Northwest Forest Plan and PACFISH. Specifically, the measures listed under number 7 beginning on page 2-12 would be effective in mitigating any potential effects. They would be part of the operating plans, with compliance required by the special use permit....."

They will also meet Forest Plan standards and objectives (given the riparian buffers) and Aquatic Conservation Strategy and PACFISH objectives at the 6th and 5th watershed scale. "

1A. Now let's look at the mitigation measures that will ensure compliance with all of these directives? (DEIS, 3-190)

a. These are the Plan S&Gs listed on 3-190. Which of these mitigation measures will ensure what this claims, compliance?

2-4, maintain streambank vegetation for cover and stability
 2-9, management activity shall not degrade water quality for aquatic resources except temporarily
 2-12, maintain stream shading
 2-13, additions of human caused woody debris shall be avoided
 3-1, maintain or enhance biological, chemical, and physical qualities of fish habitats
 3-4, manage for high quality pool habitat consistent with stream potential
 3-6, manage riparian vegetation to provide tree buffers near stream channels for future source of woody debris

Which of the mitigation measures below actually ensure compliance with which each Forest Plan S&G listed above?

#7a. "Provide stream and riparian habitat protection based on the Forest Plan as amended by PACFISH and the Northwest Forest Plan."
 #7b. "Ensure Riparian Management Objectives (PACFISH) and Aquatic Conservation Strategy Objectives (Northwest Forest Plan) are met."
 #2b. "All human excrement and toilet paper will be disposed of properly by burying it in a small shallow hole at least 100 feet from any water source, or by...."
 #3e. "Outfitter-guides shall prohibit any grazing by pack or saddle animals within 100 feet slope distance of the shoreline of any lake. (36 CFR 161.57a and e.)"
 #3f. "Outfitter--guides shall prohibit hitching, tethering, or hobbling any pack or saddle animals within 100 feet slope distance of any lake. (36CFR 161.58aa)"

All of #7

This would mean #7a and #7b above. And also:

#7c, "Protect riparian habitat by maintaining shade and riparian vegetation adjacent to stream."
 #7d, provide clients with fishing regulations and bull trout identification
 #7e, prohibit use of a named camp during fall dates
 #7f, outfitters and clients cannot wade in two named areas in fall
 #7g, hazardous material handling at least 200 feet from streams

1B. Which of these measures will ensure compliance with fisheries Forest Plan S&Gs?

Why are no specific mitigation measures named for this section? Which mitigation measures does this mean?

1C. Which of these measures will ensure compliance with PACFISH?

Why are no specific mitigation measures named for this section? Which mitigation measures does this mean?

1D. Which of these will ensure compliance with the Northwest Forest Plan?

Why are no specific mitigation measures named for this section? Which ones does this mean?

Response 179-489: This section of the DEIS was rewritten to clarify how the mitigation measures will ensure compliance. Refer to FEIS pages 3-220 through 3-221 for specifics. Refer to Response 179-255.

2 This claim about mitigation measures was made for wetland degradation at the Bald Mt. Camp (3-100).

Which of these will prevent or even minimize damage?

In saying there was compliance, the writer said mitigation in sections #3, #5, and #8 would do it. Unfortunately the writer only gave the section numbers of mitigation, not individual mitigation measures under these sections. Exactly which mitigation measures did she mean?

Because we don't know the exact ones the writer meant, here are all of the mitigation measures under sections. #3, #5, and #8:

The Question is: Which ones of these will really mitigate negative impacts to wetlands from loose grazing horses associated with camp?

2A. Mitigation measures for section #3: Stock Grazing and Containment

- a. Based on submitted itineraries and known resource conditions, outfitters may be required to carry supplemental feed.*
- b. Overnight picketing of stock in sub-alpine meadows will not be allowed; loose herd grazing will be the preferred grazing method for outfitter stock.*
- c. In the Pasayten Wilderness, hitching or tying pack or saddle stock directly to any tree for an extended period is prohibited.....*
- d. In the Lake Chelan-Sawtooth Wilderness and Sawtooth Backcountry, hitching or tying pack or saddle stock to any tree for an overnight period is prohibited*
- e. Outfitter-guides shall prohibit any grazing by pack or saddle animals within 200 feet slope distance of the shoreline of any lake. (a CFR)*
- f. Outfitter-guides shall prohibit hitching, tethering, or hobbling any pack or saddle animal within 200 feet slope distance of any lake. (a CFR)*
- g. Outfitter-guide pack and saddle stock grazing could be limited to designated suitable grazing areas during times, or in areas of high use.*
- h. Stock must be ridden, or led, except when grazing, and not permitted to run loose on trails or travel routes.*
- i. Where and whenever it becomes necessary to restrict or limit the use of native forage by pack and saddle stock for resource protection, the outfitter may be required to pack in and supply all necessary feed when range conditions do not allow grazing of pack stock.*

2B. Mitigation measures for section #5: Vegetation and Soils

- a. Other than approved trail maintenance work along Forest Service system trails, green trees and other live vegetation shall not be cut or removed, and efforts will be taken to minimize trampling or other damage to vegetation beyond those impacts likely to recover within one growing season.*
- b. Soils displaced by activities such as latrine construction or pawing by stock will, to the extent practical, be replaced or smoothed out.*
- c. Travel routes will be identified to minimize impacts to wet soil and meadow areas.*
- d. Salt use will be approved in advance and applied in such a manner as to minimize wildlife attraction, and avoid trampling disturbance.*

2C. Mitigation measures for section #8: Noxious Weeds.

I won't even quote these because they all apply to noxious weeds and have nothing to do with protecting the wetlands and sensitive plants from the trampling, etc. which is the main issue at this camp.

Response 179-490: The commenter is correct that the mitigations under #8 apply to noxious weeds. Mitigations relating to wetlands and sensitive plants are found under #s 5 and 7 in the DEIS (and #s 10 and 12 in the FEIS). Refer to Responses 179-131, 179-145, and 179-327. Mitigation measures reducing impacts to wetlands are explained on FEIS pages 3-257, 3-260, 3-263, and 3-266.

Monitoring and Enforcement

Sometimes the DEIS claimed that monitoring would minimize impacts and ensure compliance with a management directive.

This only works if there are good mitigation measures AND these good mitigation measures are being monitored often.

1. First and foremost, do the requirements in the mitigation measures and operating plans really minimize and/or prevent negative impacts? Unfortunately I don't think so as they are now, as I explained in the previous section. Isn't this a major problem for effective monitoring?

Response 179-491: As stated on FEIS page 2-19, the mitigation measures will become part of the annual operating plans for the outfitter-guides, so complying with them will be a term and condition of the special use permits. Refer to Response 179-148 for specific information on mitigation measures. The Monitoring Plan described on FEIS page 2-26 specifies that outfitter-guide operations and camps will be monitored for compliance with these terms and conditions. This will be an effective way to ensure compliance.

1A. Monitoring could be effective on two simple and easy mitigation measures, in "reserved camps" only; area of barren core being used and the number of damaged or lost trees. Yes, monitoring can be effective with these two.

Response 179-492: Refer to Responses 179-31, 179-33, 179-455, 179-471, and 179-472.

1B. Of all of the possible negative impacts that could result from outfitter use, is the size of barren core and number of dead trees in camps really important?

Response 179-493: The analysis discloses all known impacts from pack and saddle stock outfitter-guides, but makes no judgments as to which are more important. Barren core and dead trees are components of the analysis on wilderness character, vegetation, soil, water, aquatic resource, and terrestrial wildlife, and compliance with forest plan standards and guidelines.

1C. Aren't negative impacts to resources like water quality and riparian areas much more important than barren core and dead trees? Most of these important impacts will be caused by stock and are not monitored.

Response 179-494: Refer to Response 179-130 for information about water quality, and

Responses 179-187 and 179-191 for riparian reserves.

2. How often do outfitters and their camps need to be monitored to ensure compliance with mitigation, operating plans, etc.

2A. According to the plan for monitoring in the DEIS, monitoring won't happen often enough. This sounds like a few will be checked once a season.

DEIS page 2-4. "a representative sample of outfitter camps and operations would be checked seasonally for compliance.

B. Aren't wilderness rangers in the areas where outfitters usually work since these are high use areas? Why can't they do more?

Reserved camps:

Why can't the four "reserved camps" each be checked several times a season? All four of the "reserved camps" are in either the Rimmel Lake area or the Sheep Mt. area.

Non-Reserved Camps:

Most of the other non-reserved camps used by outfitters are also in these areas.

WHY can't MVRD monitor these more often? Aren't there wilderness rangers?

Don't they go to these two areas frequently because they are high use areas?

Response 179-495: The Monitoring Plan in the FEIS will be adequate to monitor all campsites used by outfitter-guide activities. Refer to FEIS page 2-26 for the full text of Outfitter-guide Operations monitoring. Also refer to Responses 179-31 and 179-33.

3. Does this mean that camps and outfitters may be checked even less than this if there is not enough money?

3A. The DEIS says that the number of wilderness campsites that actually will be inventoried and monitored annually will vary with budget and workforce.

3B. If there isn't enough money to do this, then aren't all of these mitigation measures and regulations meaningless? How will they be both enforced and how will outfitters be held responsible?

If the past is any predictor of the future, will these mandates be followed without frequent monitoring? There were frequent and serious violations in the past When (sic) seriously monitoring did not occur.

If speed limits weren't monitored regularly, how many drivers would stay within speed limits? How many outfitters were following even CFRs in 1999 and 2000?

Response 179-496: As stated in the DEIS/FEIS, the number of Forest Service employees available to monitor outfitter-guide activities will dictate the frequency of monitoring, however all assigned sites would be monitored at least once per year of use, and a representative sample of non-assigned sites would be monitored frequently enough to assess the outfitter's compliance with the terms and conditions of the permits (FEIS pages

2-26 through 2-27). The Forest Service will administer the permits, however, regardless of the number of employees. The agency has made improvements in outfitter-guide permit administration since 1999 and 2000, as discussed on FEIS page Appendix F-4. This EIS is not about the existing permits, but rather, about the permits that would be issued under this decision, and their terms and conditions.

4. *Doesn't some monitoring have to occur "unannounced" and when outfitters are not in the camps?*

4A. *While this doesn't matter when checking something like barren core, are there things that probably will not be seen if the outfitter knows the monitor is coming?*

4B. *For instance, will the rodent poison be obvious when the monitor's visit is announced ahead of time?*

4C. *Will the monitor feel comfortable looking at everything throughout the camp while the outfitter is standing there?*

4D. *If the monitoring visits aren't in the evening after the horses/mules have been turned out to graze, the monitor will not see the stock at the lakeshore.*

Response 179-497: Field inspections are done without advanced notice to the outfitters. Refer to Responses 179-31, 179-33, 179-443 and 179-455 for a discussion of the inspection process.

5. *Will condition of riparian areas where the loose horses/mules graze be checked? It can cover 5 acres and extend out as far as 2 miles according to the DEIS.*

5A. *Some of the most important resources are out in this area, such as hummocks, springs, stream banks, sensitive plants, etc.*

5B. *These areas were not surveyed for this DEIS so how likely is it that time will be taken during monitoring visits to do this?*

5C. *Will monitors be trained to monitor things such as damage to hummocks or sensitive plants?*

Response 179-498: Specific monitoring of riparian reserves and grazing areas was added to the FEIS. The Monitoring Plan is described in the FEIS beginning on page 2-26. People conducting the monitoring will be trained. Refer to Response 179-497.

6. *Doesn't there have to be "integrity" and a willingness to enforce and apply penalties even though outfitters may not like it and it may upset someone? Weren't there times in the past when there was plenty of monitoring but no action was taken when obvious violations occurred?*

No amount of monitoring, or Forest Plan S&G, or CFRs, or mitigation measures will work without strong, objective permit administration

Response 179-499: The Recreation Activity Review conducted in 2000 identified deficiencies in the administration of outfitter-guides on the Methow Valley Ranger District. Since that time, the district has put considerable effort into improving administration, and the outfitters have improved compliance with their permits. Refer to FEIS page Appendix F-4 for information about changes that have taken place in the permit administration

program. The Permit Administration folder in the analysis file includes copies of Notices of Non-Compliance that have been issued to outfitters to address non-compliance issues. Refer to Response 179-36.

6A. Isn't this what happened at one camp which was regularly monitored? Wasn't it first set up in a location not approved by MVRD? Didn't the outfitter then cut down trees for benches and firewood, pull trees out of the ground to enlarge the area, make trails, locate the latrine too close to a stream, and allow his 19 horses/mules to trample springs, streams, wetlands, etc.? Wilderness rangers visited this camp often.

6B. Didn't wilderness rangers know right away that this camp was illegally created? Couldn't it have been closed quickly while there was little degradation of resources? But it wasn't.

6C. Weren't there many violations of S&Gs and CFRs when this came was set up? Wasn't the ONF Forest Plan S&G adopted long before this happened? And many CFRs were in place? Why didn't MVRD enforced (sic) any of these?

6D. Isn't this camp close to the Spanish Camp cabin where wilderness rangers often stayed? Didn't they visit this camp regularly to have dinner and whatever?

6E. Didn't a botanist see this came as early as 2000? Didn't she report that there were sensitive plant and they were being severely impacted? Isn't it her description of the camp on page 3-98 of this DEIS?

6G. The fact that this camp is being made a "reserved campsite" under alt. #2 and #3 makes me doubt that anything has changed.

3. Because of its location near many wetlands and the headwaters of a stream, won't grazing always violate the following S&G?

MA15B 22A "There should be no long-term modification of natural plant succession as a result of human activities on areas outside campsites Acceptable modifications are those which can recover in one growing season." (The grazing areas for this campsite are not in this campsite. Grazing areas are sometimes quite far from the people area of the camp. I have seen grazing areas for this camp that did not recover in one year.)

MA15B 6D "Visitors use shall not displace wildlife from critical areas during critical periods." (The area behind this camp is critical for the marmot population that lives there.)

Forestwide S&G 4-30 Riparian ecosystems adversely affected shall be rehabed.

Response 179-500: The commenter is most likely referring to the Bald Mountain Camp, which has been discussed in several previous responses. Refer to Responses 179-131, 179-145 179-218, 179-274, 179-303, and 179-308, in addition to other responses throughout this response section. Also, refer to Response 179-121 for information about marmots.

7. Didn't I report numerous outfitter violations to MVRD? Did MVRD ever enforce and sanction any of these outfitters? Did any outfitter lose any priority use days?

7A. During 1998, 1999, and 2000, didn't I see and documented dozens of outfitter violations.

Sometimes wilderness rangers were in the same area.

7B. Didn't I carefully document numerous violations with photos, field notes, dates, and sometimes other witnesses including a one-year wilderness ranger, and give this information to MVRD? And did any enforcement occur?

Violations included: campfires left smoldering after the party vacated the campsite, live trees cut for firewood and camp furniture, left-over food like steak bones thrown out on the ground, many horses/mules grazing close to lakes and drinking from lakes, use of poison (used without permission) in two camps with it being left (both near a lynx I saw), salt licks with groups of tame deer around them, all living and green lower limbs of trees cut off for firewood, latrines left uncovered when the camp was vacated, latrines close to streams and wetlands, latrines with toilet paper spread around, over-sized parties without permission. Sometimes wilderness rangers were working in the area where I saw these.

I also saw things that upset me but are not technically illegal. Some were: wranglers with strings of pack animals going out so fast they couldn't stop for a hiker, horses/mules with heads covered with flies but tied too short to do anything about it, loud and clanging bells on horses/mules around other campsites much of the night, horses/mules in other people's camps upsetting their tied horses, horses/mules in unoccupied backpacker campsites and their water sources leaving trampled streams and manure, etc.

Response 179-501: The commenter did provide a considerable amount of information to the Methow Valley Ranger District in the late 1990s and early 2000s pertaining to outfitter-guides. Her input was instrumental in prompting a detailed review of wilderness management and outfitter-guide permit administration on the district. Several changes were made as a result of the reviews. Appendix C in the FEIS summarizes the Recreation Activity Review findings, and the actions that the district has taken in response to the findings. Copies of her input are in the analysis file. Some of the commenter's allegations, however, were unsubstantiated.

Refer to Response 179-36 for information concerning permit compliance.

8. Isn't there a history of some outfitters harassing people; wilderness rangers, botanists studying plants in their area, etc.?

8A. I found a number of different documents in MVRD files that reported this harassment.

One note was from a private botanist who was intimidated by an outfitter as she was doing a survey for sensitive plants.

*Below is a field report from a MVRD wilderness ranger, dated 9-8-99. This is what it says:
"Site 2, Stock Camp, M.F. Pasayten"*

" Arrived enthusiastic to survey the area. However I was appalled at the impact on the area,

large bare campsites, braided mucky trails, eroded stream banks, trampled vegetation.

I decided to leave the area after being greeted in a threatening manner by a packer and asked for my food. I was not comfortable to stay in the area, but however decided to survey the PCT Windy Pass area tomorrow." Jeremy-

8B. Will this be tolerated in the future as it was in the past?

Response 179-502: The Forest Service has received very few complaints about outfitter-guides and their treatment of the public or Forest Service employees. One of the complaints was documented in the report the commenter references. The outfitters are rated on their treatment of the public and Forest Service employees in their annual performance reviews. Refer to Response 179-479 and 179-501.

Section #8

What Happens When All of These Problems Come

Together in One Issue?

There were numerous problems in this DEIS. One or two of them, here and there, might not be major.

But what happens when all of the errors are combined, and looked at cumulatively?

In this section, I will show how the accumulation of problems make parts of Alt. #2 impossible to choose.

The kinds of errors discussed in this section are the same ones that occur throughout this DEIS.

Here, they are all brought together on one issue; loose grazing horses/mules. This issue seems simple and obvious. However, when examined carefully, it is anything but simple. There are all kinds of violations of S&Gs, CFRs, DEIS mitigation measures, etc.

The issue: Loose grazing of horses/mules.

Mitigation Measure #3b in this DEIS says: "loose herd grazing will be the preferred grazing method for the outfitter stock."

IMPORTANT: While this might sound like I am against loose grazing I really do not know how (sic) of any method of feeding 18 horses/mules that does not cause major and unacceptable negative impacts. But I do know that it was the responsibility of this DEIS to have a qualitative discussion of this issue which means presenting all impacts and problems. This DEIS failed miserably to do this.

Contents of Section #4:

1. *Where is the qualitative discussion?*
2. *Do loose grazing horses/mules comply with all management directives?*
3. *How wet is a wetland?*
4. *Do the mitigation measures apply to outfitters' horses/mules too?*
5. *How much degradation does it take to be degradation?*
6. *Mitigation measures that don't mitigate.*
7. *Please review LNT principles with your horses/mules.*
8. *Who cares about a little, localized water pollution?*
9. *Things this DEIS didn't tell you.*
10. *Are you sure about that?*
11. *The double standard. People and Horses/mules.*
12. *Are horses/mules that belong to private parties just better behaved?*
13. *Eighteen is not the winning number.*

Please stay with this discussion. It is necessary to know a lot of details to understand the DEIS problems shown here. This topic shows almost all DEIS problems by addressing them through one issue, loose grazing.

Necessary Background Information you Need to Know

A. Relevant information about 18 loose grazing horses/mules

1. *This DEIS allows outfitters to have parties with 18 horses and mules.*
- 2 *This DEIS allows outfitters to let these herds of 18 horses/mules run loose and unsupervised all night.*
3. *This DEIS states that loose animals may travel two or three miles from camp.*
4. *This DEIS allows outfitters to camp within 1 mile, and even closer, to lakes, streams, wetlands, trails, other campers, sensitive plant species, etc.*
5. *This DEIS's preferred alternative (Alt. #2) includes assigned "reserved campsites at Bald Mountain, Sheep Mountain, and Beaver Creek.*
6. *This DEIS allows outfitters to also use other non-reserved campsites*
7. *This DEIS recognizes that it is mostly only outfitters who let their horses/mules loose to run all night.*

B. Relevant information in this DEIS. (Many of these are not true.)

1. *This DEIS states that "the Responsible Official will determine if the selected alternative is consistent with management direction." (1-20)*

Response 179-503: Additional information was added to the FEIS to discuss the effects of loose grazing. Refer to Response 179-29 for page number references. The statements under "Contents of Section 4" appear to summarize the commenter's comments in Section 4 of her response document. Refer to Responses 179-232 to 179-297 for responses to this section. All the summary comments above under "Necessary Background Information you Need to Know" are accurate. The quote listed as #1 above is also an accurate quote from DEIS page 1-20. It appears in the FEIS on page 1-23.

2. *It states that concerns of related to Key Issues will be a focus. (1-20 to 1-21)*

Response 179-504: DEIS page 1-20 states that the decision regarding which action to implement will be determined by the manner in which the alternatives respond to the purpose and need and the manner in which each alternative responds to Key Issues. Key issues (term corrected to "Significant Issues" in FEIS) ensure that an adequate range of alternatives are developed and effects analyzed. Refer to FEIS page 1-25 for full text of the way Significant Issues fit into the decision process.

3. It says the Key Issue #1 is: "Current and proposed pack and saddle outfitted use does comply with Forest Plan management directives such as ONF Plan S&G. (Sum.-9)

4. It says the effects (of Key Issue #1) are measured by: "qualitative" discussions. (Sum-10)

Response 179-505: The commenter misquotes Key Issue #1. Refer to FEIS page 1-25 for the full text, where it clearly states that outfitter-guide use does not comply with some wilderness standards and guidelines.

5. It says over and over again for Key Issue #3: "Current and proposed impacts of activities of stock outfitters are only small and localized which makes them acceptable and in compliance with everything. (Sum -10 and many more pages)

6. It says the effects of Key Issue #3, wetlands and sensitive plants) are measured by: estimated number of acres of wetland within 500 feet of pack and saddle stock camps.

Response 179-506: Significant (Key) Issue #3 addresses concerns about the effects of outfitter-guide activities on threatened, endangered, and sensitive wildlife species. Refer to the full terrestrial wildlife analysis beginning on FEIS page 3-270.

Significant (Key) Issue #2 addresses concerns about wetlands, native plant populations, and riparian vegetation. Refer to Responses 179-185 (wetlands), 179-187 and 179-191 (riparian areas), and 179-266 (sensitive plants).

7. It says Mitigation Measures will reduce negative effects on project area resources." Mitigation measures are designed to ensure that human activities in wilderness shall follow a non-degradation policy (Okanogan Forest Plan Standard and Guideline MA15B-2ID)" (Summary -17)

8. It says Alt. #2 complies with the non-degradation principle, BMP, and the Clean Water Act. (Summary-17)

9. It says that Alternative #2 meets all criteria and is the best choice.

Response 179-507: The quoted text provided is accurate, as is the comparison of effects and identification of Alternative 2 as the Preferred Alternative (DEIS page 2-16).

1. Where was the qualitative discussion?

Few of the negative impacts of loose grazing were even mentioned, let alone discussed. There was even little discussion of the positive ones. Why? Shouldn't this EIS do this?

1A. Why weren't some of these impacts of horses/mules running around loose all night without supervised even mentioned let alone analyzed?

Unsupervised stock sometimes end up at:

- a. Within 200 feet of lake shores*
- b. Other people's camps*
- c. Other people's source of drinking water*
- d. Main trails*
- e. Areas closed off for rehabilitation projects*

Horses/mules running loose all night sometimes:

- a. Defecate very close to streams and lakes, and in wetlands.*
- b. Attack burros traveling with other people (mules)*
- c. Wear large, loud clanging bells*
- d. Intimidate other wilderness users (mules for sure)*

Response 179-508: Additional analyses of loose grazing and fecal coliform were added to the FEIS. Refer to Responses 179-129 and 179-224. The commenter's points 1A. a-e and a-d are discussed in the following locations: 1A. a, refer to Response 179-115; 1A.b, refer to Response 179-291, 1A. c, Response 179-230, 1A. d, FEIS page 3-52; 1A.e, Response 179-128; a. FEIS page 3-174' b. Response 179-548; c. Response 179-162; d. FEIS page 3-15 and 3-52.

1B. Why did the analysis of so many important resources fail to adequately address impacts of loose horses/mules? Is it a qualitative discussion what this happens?

- 1. Discussions of impacts to wetlands and sensitive plants focused on the area within 500 feet of camps. Doesn't this leave out most of the grazing areas? Under discussion of water resources, water pollution was mentioned in regards to trail crossings but not manure at grazing areas.*
- 2. While there is serious damage caused within this area as (sic) horses/mules as they are sent out to graze, they spend most of their grazing time far beyond this. Horses/mules do trampled (sic) and made (sic) what is called "user-made" trails as they leave campsites. Aren't there streams, wetlands, hummocks, sensitive plants beyond this?*
- 3. From what the writer said on Summary-29, does he mean that all impacts to wetlands are based on the area of wetlands within 500 feet of camps? Doesn't this leave out all of the areas where the 18 horses/mules spend most of their time?*

Response 179-509: Additional analysis of loose grazing was added to the FEIS. Refer to Response 179-129.

- 3. Under lakes, why did the DEIS repeatedly say that mitigation would protect lakes from pollution. etc.? Why wasn't it acknowledged that loose stock go to lakeshores? Because this was never acknowledged, where was it ever analyzed as an impact? Why not?*

Response 179-510: Additional analysis of loose grazing was added to the FEIS. Refer to Responses 179-115 and 179-129.

1C. Does letting horses/mules graze loose really cause less damage than keeping them in a small area close to camp as this DEIS concludes? Why was there absolutely no data and analysis to support this? If there was really a qualitative discussion as promised, isn't this needed?

- 1. I suggest there would be a lot more damage to the small area where they were contained,*

but is this really worse than spreading the impacts out when the seriousness of the impacts were considered?

Response 179-511: Additional analysis and citations were added to the FEIS. Refer to Response 179-129 and specifically to pages 3-337 through 349 of the FEIS regarding citations to literature.

- 2. Are all impacts of equal importance? Are impacts to hummocks or wetlands or sensitive plants as important as impacts to lets (sic) say the edge of a wooded area that has none of these?*
- 3. Couldn't stock be contained in some of these ecosystems?*
- 4. Instead, aren't the loose animals impacting very important and fragile Natural (sic) resources?*
- 5. Yes, outfitters might have to pack in some horse food but doesn't this cause as much damage as loose grazing in hummocks, wetlands. etc.? It would impact trails more since more animal trips in would be necessary, but is this damage as important? Doesn't the Wilderness Act put protection of natural resources BEFORE impacts to such things as trails?*
- 6. Yes, outfitters would have to pack in some food and this would cost them much more than the very cheap grazing fees they pay, but are wilderness areas suppose (sic) to be managed to keep outfitter expenses low?*
- 7. Don't private horse groups keep animals in contained areas most of the time? How do their animals get enough to eat? Are they carrying in a lot of horse feed?*
- 8. Are the outfitters letting their animals run free all night because the animals must eat all this time or is it because this means they do not have to worry about their animals all night? I saw that private parties are having to deal with their animals Throughout (sic) the night. This would be a lot of work, especially with 18 animals. Are wilderness areas suppose (sic) to be managed to make the life of the outfitter easier?*

Response 179-512: An alternative was considered but eliminated that would have prohibited loose grazing (FEIS page 2-3, #7). All resources are important, including those found on the edge of wooded areas. Requiring stock to always be contained increases impacts to soil, water, and wilderness character in camps since the stock containment areas become much more disturbed than containment areas where stock are held for short periods of time. The analysis of loose grazing on soil, water, plants, and aquatics found the dispersed nature of loose grazing is leading to minimal impacts on resources (Response 179-29). The Wilderness Act does not specify which resources are more important than others. The management direction for wilderness does not consider the expenses of outfitters; rather directs that wilderness character be on a stable or improving trend from the resource conditions at the time of designation. The Pasayten and Lake Chelan-Sawtooth wilderness areas are both on improving trends (FEIS page 3-32). Some private parties let stock graze while others carry feed. The outfitters let stock loose graze not to reduce worry, but to decrease containment time and impacts (FEIS page 3-13).

1D. Where was the qualitative discussion and analysis on what the 18 horses/mules do all night when roaming around unsupervised?

The couple of times grazing horses were mentioned basically said that horses/mules are spread out so impacts are minimal and there is some impact where they drink? Is this a qualitative discussion of perhaps the largest impact that occurs from outfitter use of the wildernesses? How

much is known about what the outfitter animals actually do during the night? Shouldn't this be studied?

1. Aren't horses social and herd animals that like to be close to each other? Wouldn't this result in concentrations rather than spread out use? Isn't this why bells are put on some horses? Find a few and you find them all?

Response 179-513: Additional analysis of loose grazing was added to the FEIS. Refer to Response 179-129.

2. Don't horses often follow right behind each other in a line which means a concentrated use that easily creates a new trail?

3. Might use be very concentrated at the place where they go for water and this needs more than a casual mention?

4. Do horses linger longer in some places, such as near the spots where they drink?

5. Do horses graze throughout the night or are they doing other things too?

Response 179-514: The grazing and movement pattern of loose grazing stock is described in the FEIS on pages 3-14. Stock do follow each other when moving from one grazing area to another, so trails are created. They do congregate at watering areas, which can impact soil and water quality. This is discussed on FEIS pages 3-159 and 3-173. The stock do not tend to linger at watering spots – they move to watering locations, then quickly move back to drier areas. They typically spend over half their time feeding and around 25 to 35% of their time resting, day and night. Refer to FEIS page 3-348.

2. Do loose horse/mules meet all the management directives such as CFRs, Plan S&G, etc. ?

How many of these can Alt. #2 violate before it is out of compliance with the ONF Forest Plan, etc.?

Does loose grazing meet these management directives?

Response 179-515: As modified in the FEIS, Alternative 2 does not violate CFRs or Forest Plan standards and guidelines and loose grazing meets all management direction. See consistency findings sections in Chapter 3 of the FEIS.

a. Forest Plan: MA 15B-21S, stock must stay at least 200 ft. from lakes

(I gave MVRD many photos of horses next to lakes in scoping comments). The DEIS failed to mention this problem.

Response 179-516: 36 CFR 261.57 a and e, and standard and guideline MA15B-21S prohibit grazing, hitching, tethering, or hobbling stock within 200 feet slope distance of any lake. The outfitters must comply with all CFRs (mitigation measure 4a).

b. Forest Plan: MA 15B -21EE, on creation of user-made trails (Maps and photos of many made by horses are in my scoping comments) (Don't stock make many user made trails? Esp. near water sources? No one surveyed the grazing areas to find impacts. Only the area within 500 feet of camps was studied.

Response 179-517: MA 15B-21EE refers to user created travel routes, and specifies that

they shall not be readily apparent or shall appear to be wildlife trails, as any trail made by stock would appear. Maintenance of these user trails is prohibited. Grazing areas were surveyed, and found to be on an improving trend. Refer to FEIS beginning on page 3-350 for details.

c. Forest Plan: MA 15B-22A, No long term modification of natural plant succession.

Long is over one year. (Botany report, page 3-100) (Dozens of photos of trampled areas after one year are in my scoping comments.)

Response 179-518: There would be no long term modification of plant succession, as discussed on FEIS pages 3-270.

d. Forest Plan: MA 15B-13B. Only water quality degradation that is temporary and returns to normal when the activity ceases. Horses are grazing all season in riparian areas and thus manure is there all season.

Response 179-519: The water resources analysis discloses that outfitter stock would cause short term changes in water quality when they cross creeks or rivers, or when they water, but that water quality would return to normal shortly after they move on. Refer to FEIS pages 3-173 and 3-176.

e. Plan Forestwide 2-2, Activities in riparian areas shall be rehab, etc. This DEIS does not close even "reserved camps" in riparian areas. Impacts of loose grazing are not being stopped and the areas rehabbed.

f. Plan Forestwide 2-4. Maintain streamside vegetation and stability

Response 179-520: Refer to response 179-116.

g. Plan Forestwide, protect sensitive plant species

Yes, this complies with the "letter of the law" in that the botanist said the activities probably do not threaten the survival of any species. But is grazing 18 horses all season in areas with sensitive plants meeting the "intent" of this?

Response 179-521: The intent of the standard and guideline is to comply with the Endangered Species act, as the outfitter-guide activities do. Refer to FEIS beginning on pages 3-244 for the analysis of impacts to sensitive plants.

36 CFR 261.57a and e), stock must stay at least 200 feet from lakes (same photos)

Response 179-522: The commenter incorrectly states that 36 CFR 261.57a and e require stock to stay at least 200 feet from lakes. 36 CFR § 261.57 a and e state that stock cannot graze within 200 feet of any lake shore. 36 CFR 261.58aa prohibits hitching, tethering, or hobbling any pack or stock animal within 200 feet slope distance from any lake.

CFR 261.100, prohibits excessive noise that disturbs any person

Response 179-523: The Code of Federal Regulations contain no 36 CFR 261.100. However, 36 CFR 261.10 i addresses using devices which produce noise such as a radio, television, or musical instrument in such a manner so as to unreasonably disturb any person (FEIS page Appendix B-1). Bells on livestock do not violate this order. Refer to Response 179-252.

NW Forest Plan, Riparian Reserve S&G Protections

I covered this in detail in Section #2, Part 5. Localized areas are protected under Riparian Reserve S&G.

The DEIS ignored this and only applied the ACS.

Response 179-524: Additional analysis of loose grazing was added to the FEIS. Refer to Responses 179-129 179-190, 179-191 and 179-200.

3. How wet is a wetland?

Aren't there a lot of impacts to "wet meadows" that are really wetlands caused by loose grazing that have not been recognized or analyzed because people have not looked closely at them to find out if they are wetlands?

A. For the DEIS section on wetland analysis, how was the area of wetlands determined? Was it from mapping or field studies or both? If Ground-truthing was done, how many acres were actually visited to do this? If field studies were done, how many acres and areas were sampled?

B. If maps were used, aren't there often errors in showing exactly the type of "wet meadow" type of wetland found in the NE Pasayten? And are they not accurate enough in detail to be used in delineated exact boundaries as would be necessary in use for outfitter camps and grazing areas?

From "Wetland Indicators: A guide to Wetland Identification, Delineation, Classification, and Mapping", by Ralph Tiner. (page 348) (Remotely sensed imagery includes aerial photos or satellite imagery.)

.."Wetlands pose special problems for accurate mapping due to their alternating wet-dry nature. While many wetlands are quite distinct due to observed wetness or unique vegetation, many others are not readily identified either on-the-ground or by interpretation of remotely sensed imagery The pint (sic) to remember is that the more difficult the wetland type is to identify on the ground, the more conservatively such types will be represented on maps produced by remote sensing techniques."

"There also are other factors that affect wetland mapping. For example, the date and season of photos, the wetness conditions at the time of photography, the photo scale, the quality of the photo processing, and the skill of the photointerpreter affect the ability to produce a high-quality wetland map."

Ralph Tiner discusses at length the National Wetland Inventory Maps on pages 350 to 358. On Table 10-3, pages 357 to 358, he lists the many limitations of these maps. Again he cautions on problems of using NWI maps for identifying the very wet meadows found in the Pasayten.

In the DEIS section wetlands, mapping was mentioned as the way areas of wetlands were determined and then used in the analysis. I ask this because I used aerials during my time looking at wetlands and then ground-truthed many. I discovered aerials did not show many wetlands of the wetlands I identified when walking and testing areas.

C. In the spring of 2000, I met with a person from ONF and was told that the wetland mapping had not been ground-truthed and this was needed because of the many errors the maps can have. I volunteered to ground-truth as many areas as I could in the Rammel/Bald and Sheep/Corral areas during my trips to these areas in the summer of 2000. We agreed on a plan.

I spent most of my time that summer studying wetlands. George Wooten met with me in the field on my first trip in late June to Rammel. I took dozens of soil samples and worked on wetland plant species in wet meadows grazed by horses/mules.

Unfortunately the lawsuit brought against me by outfitters at the end of 2000 ended my desire to transfer my field notes into reports to give to ONF.

D. What methods of wetland delineation were used? Were those in the 1987 Corps manual used? Is the Forest Service required to use a specific one in an EIS with an action that impacts wetlands?

I believe there are extensive wetlands in the grazing areas well beyond 500 feet of camps. During my experiences with MVRD I felt many of the areas that were called "wet meadows" by many MVRD people actually qualify as wetlands. I had some experience with high elevation wetlands including "wet meadows" that qualified.

E. I discovered that many of the "wet meadows" qualified as wetlands by soil and plant standards. And these meadows were often the preferred areas for grazing by both the stock and the outfitters. Most of the reserved camps depend on these for grazing areas.

I found this to be true of many grazing areas used by camps at Beaver Creek, Bald Mt., and Sheep Mt.

I do not know the exact location of the grazing area for the camp at Crow Lake. I do know that there is a large wet meadow type wetland above this camp, across the main trail that passes above Crow Lake and continues on to Sheep Mt. Is this a main grazing area for the Crow Lake camp? The EIS inferred this. If so, has the condition of this wetland been checked and used in the DEIS estimate of impacted wetlands? Many parts of this wetland are obviously wetlands with standing water. Other areas are of a drier type. It was only grazed by a few private party horses when I was there and the horses were kept close to the area by the trail. It was in excellent condition.

F. Isn't there a legal requirement that if areas impacted are possibly wetlands, delineated by the required methods and not maps is required?

G. Doesn't the DEIS say in several places that these wetlands will continue to be impacted under Alt. #2? Doesn't the designation of camps impacting as special "reserved outfitter camp" mean this continued use requires wetland delineation that follows required methods? Isn't this true of impacts of campsites and areas within 500 feet of camps? Is it true for grazing areas that might be impacted too?

Response 179-525: Loose grazing areas are monitored to assess resource conditions, including impacts to wetlands. Refer to FEIS 2-27 and 3-242. The responses to comments A-G follow.

- A. Wetlands were identified with a combination of mapping and field verification (ground truthing). Refer to Responses 179-211 and 179-212 for information about ground-truthing.
- B. The wetland analysis was based on the U.S. Department of Interior and Fish and Wildlife Service publication "Classification of Wetlands and Deepwater Habitats of the United States". This is the best available information on wetland locations and types. This publication provided sufficiently accurate information for the analysis of impacts to wetlands from outfitter-guide activities. This wetland classification is not based solely on mapping or aerial photography, but combines that information with plant, soil and other ecological factors to designate wetlands. The number of acres of wetlands within the analysis area that could be impacted by outfitter-guide activities is insignificant compared to the approximate 8,357 acres of wetlands in the area. A higher level of accuracy in the exact number of potentially impacted wetlands and total wetlands was not needed to make this determination. Refer to Response 179-185, and in the FEIS on page 3-238.
- C. Non-substantive comment, no response required.
- D. The method of wetland delineation is described in A and B above. Grazing areas are monitored, as described on FEIS page 3-349. Monitoring these grazing areas is also included in the Monitoring Plan. Refer to FEIS page 2-27.
- E. Wet meadows are often wetlands, however, they are not the preferred grazing areas for stock because stock avoid wet soil and prefer open areas and elevated terrain away from water. Wet meadows are not preferred grazing areas, as discussed in the FEIS on page 3-239. The grazing area for the Crow Lake Camp is on a high ridgeline away from the wetland the commenter describes.
- F. The Forest Service Manual provides the regulatory framework for the legality of wetland inventory, which the FSM mandates be done in Forest Planning. The Department of Interior's publication described in B above is the standard delineation used by the Forest Service and meets Forest Service Manual direction. The identification method used in the analysis is described on FEIS page 3-238.
- G. There are no additional delineation requirements as described in F above. The proximity of camps to wetlands, or the presence of wetlands in loose grazing areas does not require any specific wetland delineation process, as suggested by the commenter. Refer to discussion on FEIS page 3-238.

H. Do the "small" and "localized" impacts this DEIS analyzed, recognized, but said were in compliance by the ACS in compliance with other wetland protections such as the Clean Water Act and Washington State Law? Are small point sources of water pollution like manure from grazing

stock in compliance with these?

When the DEIS analysis recognized that small and localized water pollution caused by outfitter activities was and would continue to occur under Alt. #2, isn't this small and localized pollution a violation of Clean Water Act and Washington State Law? Wasn't this recognized for streams and wetlands?

Don't these wetland protections under the Clean Water Act been expanded to include areas far from navigable water?

Originally the Clean Water Act narrowly defined wetlands receiving protection as only adjoining navigable waterways. Hasn't this been expanded to wetlands in areas as far away as sub-alpine meadows? These laws have been used to assess impacts at commercial downhill ski areas. Lawsuits involving ski areas have occurred.

Response 179-526: The definition of wetlands covered by the Clean Water Act has not changed. Wetlands must have direct hydrologic connection with navigable waters to be covered. Refer to Responses 179-130, 179-224, 179-225, and 179-226 for information about the analysis of the Clean Water Act, and to FEIS pages 3-170, 3-173, 3-174, and 3-241 for a discussion of the Clean Water Act and wetlands in the analysis area.

1. Have the locations of hummock features of wetlands been mapped? Were these used in DEIS analysis? If not, isn't this important to do since they are so unique, important, and are most prevalent in the NE part of the Pasayten which is where most outfitter use is concentrated?

The botanist mentioned hummocks as the location of some sensitive plant species. They were again mentioned briefly a descriptions of Beaver Creek camp where they are found. Little else was said about them.

Shouldn't they have been mapped and analyzed in the discussion of wetlands, which was separate from botany? Don't they occur in at least some camp grazing areas? I found many at Beaver Creek camp, for instance. There are many in the large, extensive wetland below Tungsten Mine. This wetland appears to be the grazing area for camps located there since most of the rest of the area is dry and often forested. Aren't these hummock features damaged and/or destroyed by very little grazing? Outfitters sometimes use this area also don't they?

Response 179-527: Hummocks are found in the transition zones between open wetlands and the drier uplands, but are not considered wetland feature. Most of the hummocks in the Pasayten Wilderness are well away from outfitter-guide camps or grazing areas, and are unaffected by outfitter-guide activities. The outfitters rarely camp near the Tungsten mine, but when they do, their loose grazing stock could cause some minimal damage to the hummocks on the edge of the wetland. The information about hummocks was expanded in the FEIS, and can be found beginning on FEIS pages 3-240. Also refer to Response 179-134.

4. Do the mitigation measures apply to the horses/mules when they are running loose too? Do loose grazing horses/mules follow these mitigation measures?

a. Grazing 3e, staying 200 feet from lakes

Response 179-528: Refer to Responses 179-115 and 179-129.

b. Vegetation 5a, avoid long term damage to vegetation

Response 179-529: Refer to Response 179-129. Effects of loose grazing on vegetation are discussed in the FEIS on page 3-239.

c. Vegetation 5c, use identified travel routes

Response 179-540: The DEIS mitigation measure was revised in the FEIS to clarify that it addresses stock travel routes between camps and grazing areas. Refer to FEIS page 2-16, mitigation measure 10c. The effects of this are disclosed on FEIS page 3-260. Refer to Responses 179-146, 179-245, 179-449, 179-474 above.

d. Wildlife 6a, make excessive noise with their bells

Response 179-531: Refer to Response 179-162.

e. Grazing 3h. stay off trails

Response 179-532: Refer to Responses 9, 179-129, 179-248 and 179-249. The possibility of loose grazing stock traveling loose on trails is disclosed on FEIS page 3-52, 3-73, 3-77, and 3-80.

5. What much degradation does it take to be degradation?

This DEIS is very accepting of a lot of degradation. Over and over it says the level of degradation is acceptable and in compliance. How much is too much according to the non-degradation policy?

A. Won't grazing at some of the reserved camps and many non-reserved camps continue to cause unacceptable impacts to wetlands, streams, lakes, vegetation, etc. in the future?

Though there has been damage in the past, won't it continue to occur in the future if these camps are not closed? The non-degradation policy applies to damage that will occur in the future as a result of approval of activities. Where is the data that demonstrates that the work done to keep stock out of the sensitive areas by these camps is really stopping all of the damage? Are the horses/mules no longer damaging hummocks, wetlands, lakes, streams, sensitive plants, etc.

Response 179-533: The non-degradation policy uses the time of wilderness designation as the mark for resource conditions, and requires that conditions do not degrade from conditions at that time. Refer to the Cumulative Effects analysis beginning on FEIS page 3-88 for an explanation of the improving conditions in both the Pasayten and Lake Chelan-Sawtooth wilderness areas.

B. Won't increasing the number of service days, as Alt. #2 does, result in new and more degradation? Won't this increased use occur in the same wetlands where it has Already (sic) occurred?

Degraded like Rimmel and Sheep because most stock outfitting is centered in these two areas? The DEIS admits over and over that there is small and localized damage. How many of these add up to more degradation than the non-degradation policy allows?

Response 179-534: Refer to Responses 179-185 for information on wetland analysis and 179-517 regarding the non-degradation policy. The effects of Alternative 2 on wetlands are disclosed beginning on FEIS page 3-260.

c. Doesn't most of the wetland degradation occur in grazing areas and in areas leading to grazing areas? According to the EIS, many "reserved campsites" as well as many of the "non-reserved camps outfitters close to wetlands, streams, springs, sensitive plants, etc? Don't these locations make it impossible to prevent unacceptable levels of degradation (sic) caused by loose horses/mules?

1. Reserved Campsite: The Beaver Creek Camp: (DEIS page3-10)

*"Beaver Creek assigned site has four Sensitive plants affected by outfitter use within 500' of camp.....This camp also is in association with the largest amount of designated wetland..... Most of this wetland area is directly west of camp. Horses do not graze in this wetland but they travel through it to access grazing areas above and to the north.....On the south side of the camp, within 100' of the tent site, there is a small wetland surrounded by hummocks. Both *C saxatillis v major* and *Gentiana glauca* are found growing here. This site is also being regularly trampled by stock mingling around camp. The integrity of the habitat and vigor of these populations of sensitive plants are being compromised by this use.*

I surveyed this camp in late June, 2000, just before it was occupied for the season. I saw and photographed areas of trampled vegetation, trampled streambed, and trampled wetland that had not recovered from the year before. There was an area of wetland hummocks that disappear when trampled enough. Many already severely damaged or flattened. The shores of little tarns above the camp were trampled. None of this had healed from the year before. The photos of these impacts were in my scoping comments.

2. Reserved Campite (sic): The Bald Mt. Camp: (DEIS page 3-100)

"Access to this grazing area goes through some very wet sedge meadows and there is more resource damage occurring from stock braiding as stock make their way through the wet meadows to avoid sinking deep into the wet soil The Bald Mountain assigned site is associated with 5 acres of emergent wetland that is temporarily or seasonally flooded. This appears to be an accurate depiction of conditions at the camp. The sedge wetlands surround the camp location to the south and west. To the south, the horses access drinking water from the camp in a small stream that feeds the sedge wetland on the other side. Horses cross here and head through the wetland and up the hill."

I also surveyed and photographed this camp at the end of 1999 when it was no longer in use and again in late June of 2000 before it was occupied for the season. A new wilderness ranger accompanied me in 2000. We found many areas where the vegetation had not recovered from the year before. The headwaters of a stream and the wetlands beside it were badly trampled and muddy. Springs that keep many areas wet were trampled. The shoreline of a lovely little lake up behind the lake was trampled. (The DEIS called this an emergent wetland. It looked like a lack (sic) when I saw it.) Horses footprints were around two of the shores.) This camp sits in one of the most beautiful places in the Pasayten. One of my favorite trails winds through the camp. It was closed yet this camp sprawls across it and has caused far more damage than use of the trail ever did.

Response 179-535: The impacts to sensitive plants and wetlands from these two camps are disclosed on FEIS pages 3-247 and 3-248. While some sensitive plant populations are being impacted from use at these camps, the impact will not result in loss of species viability across their range nor will it result in a species becoming Threatened, Endangered, or create trends toward Federal listing. Refer to FEIS page 3-270 for full text of consistency findings.

3. Unreserved Camps that outfitters use: Appendix H-I has a list of all camps within 500 feet of wetlands.

If the camp is this close, won't some grazing stock end up there?

I had a lot of information and photos of this in my scoping comments.

Goat Lakes Camp. Will outfitters be allowed to use these camps? They are very close to a lake and also large areas of Riparian Reserves (I talked with Dowie and Thorpe about this lake in 1999,2000)

Corral Lake. I found three large campsites here. All are near the lake because this basin is so small. Many riparian reserves run throughout the basin. Shouldn't all camps in the Corral Lake basin be closed to outfitters and all stock use?

Ramon Lake. There are established camps near the lake. Some right at the shoreline. May outfitters use these if they wish? (Some are really nice!)

All of the other camps within 2 miles of lakes. Shouldn't all camps within 2 miles of lakes be closed to loose stock grazing? There are more of these lakes out of Iron Gate trailhead, of the PCT, etc.

Response 179-536: Refer to Response 179-141 for information about camps, 179-187 and 179-191 for riparian reserves, and 179-115 for information about the analysis of impacts to lakes. Refer to 179-129 for effect of loose grazing, which includes citations to the FEISs analysis of impacts to riparian areas. An alternative was considered but eliminated that would prohibit loose grazing from any camp within two miles of a lake. Refer to FEIS page 2-6, #19, for information.

5. Mitigation Measures that don't mitigation (sic).

The problems in mitigation measures are especially serious when it comes to grazing animals loose. Almost none address the impacts of this practice and as long as there is loose grazing, can

those that do apply be followed?

A. Some mitigation measures are not even mitigation measures. Others don't minimize damage from loose grazing as claimed.

Example: A. DEIS Summary-29. Alt. #2 and #3: outfitter effects on wetlands in the Riparian Reserves comply with the NW Forest Plan. "Mitigation measures would minimize impacts from outfitter-guides."

Here are all of the mitigation measures for aquatic resources in this DEIS: (Summary-22) Are these even mitigation measures? Aren't mitigation measures things that someone will do to minimize damage? Second, IF they were really mitigation measures, how will any of these three minimize loose grazing impacts? And what do they say outfitters will do?

7a. Provide stream and riparian habitat protection based on the Forest Plan as amended by PACFISH and the Northwest Forest Plan.

7b. Ensure Riparian Management Objectives (PACFISH) and Aquatic: Conservation Strategy Objectives (Northwest Forest Plan) are met.

7c. Protect riparian habitat by maintaining shade and riparian vegetation adjacent to stream.

7d. fishing stuff

7e. seasonal closure of Fish Camp

7f. says outfitters and clients can't wade around in a couple of named rivers

7g. about hazardous materials

Response 179-537: Refer to Response 179-489.

6. Please review LNT practices with your horses/mules.

Doesn't the DEIS state several times that outfitters will be models of Leave No Trace (LNT) practices in their camps? Doesn't it tell outfitters they must review LNT practices with their clients? Are the outfitters' clients causing the damage or the outfitters' horses/mules?

Most of the violations of LNT practices are a result of outfitters allowing their stock to graze loose and unsupervised, not animals belonging to private folks. They aren't the result of things the clients do either. How can outfitters be role models for private groups while their animals violate so many LNT principles?

A. Doesn't every book and pamphlet on LNT horse use say: keeps stock at least 200 feet from lakes? A large percent also say: keep stock away from streams and wetlands. Don't most say: keep stock out of other peoples' camps and off trails?

I have dozens of photos that show outfitter horses/mules next to lakes and streams, in wetlands, on trails, and I heard from private groups that they were in their camps at night.

I have a collection of books and pamphlets on LNT principles for horse camping in the back country. This is what some of them call LNT principals:

*A Forest Service brochure on camping with horses in natural forests, Horse Sense, says:
"Where to Put Stock? .Keep pack animals at least 200 feet from streams, lake shores, trails, and camping areas. "*

The Backcountry Horseman's Guide to Washington, by John and Roberta Wolcott says:

"Except when stock are being watered, they should be kept at least 200 feet from streams, rivers, and lakeshores..... When leading stock to water, look for an established ford or low, gentle banks with firm footing.

Response 179-538: Refer to Responses 179-10 and 179-13 for information on leave-no-trace. Response 179-129 includes information about loose grazing analysis, including the analysis of the impacts to streams, rivers, and lakeshores. Refer to Response 179-523 regarding outfitter guide role modeling.

B. One of the most amazing claims I found in the dEIS was this one that said Alt. #2 was better for the environment than Alt. #1 because of mitigation and outfitters being role models. DEIS page 3-186:

" The mitigation measures and the operating plan would also allow the outfitters to continue to establish a good role model for stock use in the wilderness. Without this behavior, stock use by the general public could become more damaging to aquatic and riparian habitat as the skills the outfitters bring to the stock-use community are lost"

Response 179-539: Portions of the Aquatic Resource section were revised in the FEIS. The quoted statement from the DEIS was removed.

7. Who cares about a little localized polluted water?

Like for almost all negative impacts in the DEIS, the conclusion for polluted water was that it is okay because it is little and localized.

Many wilderness visitors might not agree that a little is okay. When they need water for drinking, cooking, etc., they care a lot about the water quality of the the (sic) tiny, localized areas where they draw their water.

A. The DEIS, page 3-185, on environmental consequences on aquatic resources. "The site specific area of activities, which have the potential to result in water quality, lakeshore and stream bank, and riparian vegetation impacts only occur on a small fraction of the analysis area."

"Pack stock have impacted riparian plant communities at localized scales but these areas represent only a small fraction of all stream and lake/riparian habitats and are dispersed across the analysis area. "

B. A significant problem with this kind of analysis is that all of this small percent is located right where all of the human use is most concentrated. Most human visitors spend all of their time in this small percent of pollution, around main trails and the camps along them.

C. Did you know that the loose horses/mules are allowed to be in water sources and they do? Did you know that they leave a lot of manure in these places?

- 1. Outfitters have a real advantage on this one. Unlike other wilderness visitors, they know what streams their 18 animals are using for drinking and grazing. According to the DEIS, isn't the outfitter using Beaver Camp have permission to run a hose from a clean water source to his camp? Don't his stock mainly graze above his camp in "wet meadow" wetlands that other people would not want to drink from? For years one outfitter even had pipes that brought water to his camp from a clean source.*
- 2. I have twice unknowingly drank (sic) from streams just below outfitter camps. Each time I saw the conditions directly above after I drank the water. Did the person who wrote the aquatic analysis for this DEIS know this? It was in my scoping comments, including maps.*

The first time I was hiking the Pacific Crest Trail north from Harts Pass for the first time. I didn't even know stock outfitters used the area. I filled my water bottle from the stream and continued on. That night I camped at Goat Lakes. Then I discovered an outfitter had a camp just above the place in the stream where I had taken water.

When he left I walked the trail that went through (sic) his camp. The stream I had taken water from ran through his camp. The stream banks were badly trampled, muddy, and with plenty of horse manure. I mapped this and gave it to the district ranger. I also put the map and information in my scoping comments.

The second time I was hiking one of my favorite trails, the one that passes the outfitter camp on its way around Bald Mountain. When I crossed a beautiful stream, I stopped and filled my water bottle and continued. Late that summer when the outfitter had left for the season, I walked the wetlands and stream above his camp. These were the headwaters for the stream I had used for water. All of the area around the stream and wetland complex was deep mud with piles of horse manure. The next spring I took a new wilderness ranger up to see it. He said the seasoned wilderness ranger who had shown him the camp had never taken him to these grazing areas of the camp. He was shocked. The area sure had not recovered in one year. The one year is important to comply with a mitigation and a Forest Plan S&G. I took many photos and gave them to MVRD.

Response 179-540: Refer to Responses 179-130, 179-224 and 179-230.

- 3. The "water" section of the DEIS disclosed water pollution from stock at stream crossings. Isn't the possibility of this small compared to pollution from stock grazing at lakeshores, streams, and lakes? (More on why under another heading. It is a major error for the DEIS not to disclose and address this.)*

Response 179-541: Refer to Responses 179-130, 179-224, and 179-225 for information on water quality analysis. The water quality discussion in section 3.5 of Chapter 3 discusses potential impacts to water quality at campsites, trail crossings, and stock watering areas. Water quality in lakes is also discussed in section 3.6, Aquatics. Fecal coliform levels near trail crossings and at stock watering sites may be elevated during snowmelt and rainstorms

as animal manure is washed into lakes or streams. Along streams, however, dilution by streamflow keeps fecal coliform levels well below the state water quality standard. Coliform bacteria also have a limited time of viability when dried and exposed to sunlight which further reduces the risk of surface water contamination. Refer to Responses 179-129 for effects of loose grazing and 179-115 for action that would be taken if stock are found within 200 feet of lakes.

4. Isn't it the responsibility of MVRD to warn people at trailheads if there are possible problems such as horses/mules in water source? Lots of us know drinking water should be purified by boiling or tablets but still we do not want or expect horses/mules to be polluting it. (Also there is an obligation to warn people if there are loose mules that might attack their burros. Mules are in a later section)

Response 179-542: Refer to Responses 179-230. The Forest Service always recommends filtering or purifying water from mountain streams or lakes prior to drinking it, since there is constant fecal contamination of water from wildlife, people, and recreational stock. The Forest Service has no need to warn people about mules possibly attaching burros. Refer to Response 179-548.

5. Do the BMP and Clean Water Act allow water pollution that is only small and localized like this DEIS does? Or is it just that horse manure okay? The DEIS says a little water pollution is in compliance with management directives. The DEIS also says mitigation measures will help.

Response 179-543: Refer to Responses 179-130, 179-224, and 179-225.

D. This sends us back to those mitigation measures that don't mitigate.

DEIS, page 2-7

"These mitigation measures also are given as a way for Alt. #2 to comply with Best Management Practices (BMP) and the Clean Water Act to protect water quality, as required by the directives." Exactly which mitigation measures will prevent water pollution from manure of loose grazing stock? They might cover human caused pollution such as the one on latrines. Here is the list of aquatic mitigation measures that are suppose (sic) to deal with water pollution:

E. Forest Plan S&G MA 15B-13B also addresses this.

"Human activities should not degrade water quality except for temporary changes where water quality returns to its normal level when the activity ceases."

This is a tough one because does the activity of grazing cease at all during the whole summer season? Especially at reserved camps, 18 horses may be in the wetlands and streams within their grazing area everyday (sic) during the whole summer season.

Response 179-544: Refer to Responses 179-225 and 179-319. Refer to FEIS page 3-177 for a discussion of how the mitigation measures would protect water quality. Some of the mitigation measures, including those addressing aquatics, were revised between the

DEIS and FEIS. All alternatives would comply with standard and guideline MA15B-13B. Refer to the consistency statements on FEIS page 3-182 for a discussion of compliance with standards and guidelines.

8. Things this DEIS didn't tell you.

All too often this DEIS fails to mention and/or analyze some important information that is both relevant and important to the issues. This was especially true of negative impacts of Alt. #2.

People at MVRD should know about most if not all of these because I and other People (sic) told MVRD about them. Why didn't these even make the "Eliminated Issues" list as Hannegan Pass and snowmobiles did?

A. Did you know that outfitters put very large, very noisy Bells on some of their animals before they let them loose?

- 1. Don't the bells have to be loud enough so outfitters can hear them well enough to find their animals that graze as far as two miles from camp?*
- 2. I never saw a private group do this. Outfitters have to do this because they let Their (sic) animals run loose all night. In the morning the outfitters use the sound of clanging bells to locate their loose animals, so the bells have to be very loud.*
- 3. Don't these bells violate a CFR and a DEIS Mitigation Measure?
Don't clanging bells also impact "wilderness character", especially if you are camped nearby? Maybe more than an (sic) encounters with people? Why weren't bells even mentioned in the DEIS? When I discussed these with the district ranger in early 1999, she said she knew bells were a problem but she didn't know what to do about it.*

Response 179-545: Refer to Responses 179-129 and 179-162.

4. Regulations and Mitigation pertaining to bells?

CFR #261.10 prohibits loud noises.

DEIS Mitigation Measure #7a prohibits loud noises. Page 2-12.

Response 179-546: Bells on stock do not violate 36 CFR 261.10 i. This CFR addresses using devices which produce noise such as a radio, television, or musical instrument in such a manner so as to unreasonably disturb any person (FEIS page Appendix B-1). DEIS Mitigation Measure #7a addressed protecting riparian areas. The commenter is likely referring to DEIS Mitigation Measure 6a, which was renumbered to 11a in the FEIS, page 2-24. This measure prohibits feeding, harassing, or disrupting wildlife. Refer to Response 179-252.

5. Only encounters with people were counted in the DEIS. An encounter with horses running around near your camp with clanging bells hurts impacts (sic) one's wilderness experience a lot.

In 1998, when I was camped at Goat Lakes, on the PCT, an outfitter arrived with about 18 animals, set up camp, and let almost all of his animals loose, some with bells. It was the clanging bells that made me go to his camp. I didn't know what the racket was. The bells clanged all

evening and all night, here and there, including in our camp and the backpacker camp right on the PCT the trail. The outfitter told me to just imagine I was in Switzerland.

Response 179-547: Refer to Response 179-162.

B. Did you know that loose mules sometimes attack burro (sic), and people. This can be very dangerous for both the burros and the people involved.

1. Did you know that? MVRD sure does. For years outfitter mules attacked burros used by another outfitter. Finally MVRD addressed it, but the problem is not solved. Private burro travelers would never expect attacks from loose mules.

2. Isn't this prohibited by some Forest Plan S&G, CFR, or something? It's far more dangerous than lots of the things that are prohibited like exposing a tree root.

MVRD eventually tried to solve this problem through scheduling mules in different areas than burros. But has it been solved for private people bringing burros with them? Are there signs at trailheads that mules are running around loose and they might attack burros?

Response 179-548: Mules have been known to attack burros, but there have been no reports of encounters between outfitted stock and private mules or burros in the analysis area. There was an incident between outfitted burros and outfitted mules in the mid-1990s. The Forest Service worked with the outfitter-guides to avoid scheduling mule and burro trips in the same vicinity at the same time. No further incidents have been reported.

3. I really like horses. I've had them most of my life. And I really find mules interesting. But twice I have met aggressive mules.

I've never been afraid of them, until I went to the Pasayten. I was threatened twice by loose mules. Both times the mules were on main trails. I was told it might be because I hike with a dog. My dog was right beside me both times so a mule aimed at my dog was aimed at me.

The first time, I was chased by an outfitter's mule while on the main trail around Corral Lake. I was actually chased and I got behind a clump of trees. The outfitter was no where around so couldn't do anything to control his mule.

A second time two mules standing (sic) in the middle of the main trail around Remmel Lake and challenged me. These mules belonged to a private party, not an outfitter, and so the owner was there. He immediately saw the problem and moved the mules. This is the big and important difference between loose stock from private parties and loose stock from outfitter parties. Private people usually stay right with their loose stock and keep an eye on them, and don't leave them loose at night.

Response 179-549: Conflicts have arisen between people and outfitted stock, however very few have been reported. In fact, the commenter's accounts are the only ones in the past 10 years or more. Any such encounters that are found to be the fault of an outfitter

would be addressed through permit administration and performance evaluations.

C. Did you know that there are gates across the two main trails leading to the Rimmel/Bald Mt. area?

- 1. I couldn't believe it when I first came upon these. It felt like the Okay Corral! Wire holds them to posts. It is very difficult to pull the wire off to open them and even harder to get the wire back on if you aren't up on a horse and strong. One is on the Chewuch Trail to Rimmel Lake and the other is on the Andrews Ck. Trail to Rimmel.*
- 2. I was told that outfitters needed them because their loose grazing horses/mules sometimes tried to run back to the trailhead. The gates stopped them. I discovered that outfitters lose a lot of animals temporarily, like for a day or two. I've also heard that sometimes they never find some.*
- 3. Aren't the areas of wetlands and streams inside the gates badly damaged by trampling? Isn't this true at both gates? The grass was eaten and trampled down to almost nothing and the soil compacted. The stream at the one at Andrews was badly damaged for quite a distance. Do outfitters use the very large camp just inside the Andrews Pass gate? Perhaps for hunting parties? It had extensive damage in the people areas and the surrounding wetlands that is usually made at camps that large groups use. Was this damage in grazing areas figured into the 117.2 acres of damaged wetlands the DEIS recognized? Jennifer told me the gates are still there. I questioned MVRD about having gates in a wilderness area many times.*

Response 179-550: Information about these gates and their impact to wilderness character was added to the FEIS, page 3-52. The impacts of the gates on Andrews and Chewuch trails are discussed on FEIS page 3-208. Refer to Response 179-127.

D. Did you know loose horses/mules end up in areas closed for rehabilitation work in their nightly wanderings. A violation of Order #141,36 CFR 261/53b. This Order was listed on DEIS Appendix B-2. It was signed by the Forest Supervisor.

I've seen wandering outfitter stock in all kinds of places. This was another violation I saw at Goat Lakes. It was on the PCT. A large damaged area was posted to keep out because it was a rehabilitation site. The herd of horses trampled the new plantings. The herd spent a lot of time in this area because it was near the water source, a stream.

Response 179-551: Refer to Response 179-128.

E. Did you know how unique and important the hummocks in the NE Pasayten are? Did you know that some "reserved camps" are located near hummocks?

When horses walk through the very special wetlands with hummocks, don't they smash and destroy hummocks and hummocks don't grow back? Did you know that these hummocks are unique to the two Pasayten areas stock outfitters use the most?

The botanist briefly mentioned that there were ones at the Bald Mt. camp and the Beaver Creek Camp, 3-100, because some sensitive plants depend on them. Under botany, hummocks were not analyzed at all and in this section only compliance of impacts to sensitive plants was discussed.

Under botany, hummocks were mentioned briefly but only as they relate to sensitive plants.

Why weren't hummocks analyzed as wetlands under aquatic resources because this is where impacts to wetlands was addressed, not under botany? It was under the aquatic resources, that the DEIS said wetland damage was in compliance with directives.

Many botanists in and out of MVRD have studied and written about the hummocks in the Pasayten. They shared much of their information with MVRD

Why weren't hummocks mentioned in the DEIS section on impacts to wetlands which was covered in the aquatic section? They are very unique and important. How much time did the person who wrote that section spend analyzing grazing areas of the camps? Did he pretty much base his conclusion that there was little damage to wetlands on the 117.2 acres found within 500 feet of camps?

I photographed many hummocks destroyed by grazing horses at the Beaver Ck. Camp and Bald Mt. camp. Also some in other areas.

Response 179-552: Hummocks are found across the northeast portion of the Pasayten Wildness, not just in areas used by the pack and saddle stock outfitter-guides, as the commenter suggests. The impacts to hummocks are included in section 3.7 Botany, beginning on FEIS page 3-240. Hummocks are not considered a wetland feature (Response 179-186). The wetlands analysis is in the Botany section in both the DEIS and FEIS (DEIS page 3-95, FEIS page 3-241), not the aquatic section, as the commenter states. Refer to Response 179-134 for the hummock analysis, and Response 179-185 for wetlands.

F. Did you know that loose horses/mules end up in ANY of the places? Why did this DEIS completely ignore what the 18 horses/mules do all night?

Response 179-553: Refer to Response 179-129 and 179-350 for loose grazing analysis and loose grazing pattern.

G. Did you know that private horse parties do not let their animals run loose all night? If their stock is loose at all, it is during the day and under their watchful eyes. Only outfitter horses/mules turn up in all of these places without supervision.

Response 179-554: Some private parties do use loose grazing, as recommended in Leave-No-Trace booklets, such as "Rocky Mountains Leave No Trace Skills and Ethics" (included in the analysis file). The practice is more common among outfitters, however, when the stock are accustomed to specific camps. Refer to Response 179-129 (description of loose grazing).

H. Did you know that the draft form of the ONF Forest Plan had group size at 12/12 and

recreational stock were prohibited from streams?

A person who worked on that plan for years, Dave Yenke, told me this. He said he wasn't able to keep these because the outfitters fought them. And he said opposition was mainly from a few outfitters and their friends. He thought these would have really helped protect wilderness resources.

Response 179-555: Although changes made between the draft and final forest plans are irrelevant to this decision or analysis, the draft Forest Plan contained no language requiring keeping livestock out of streams and lakes; it stated that "[F]ragile areas along lakeshores and stream-sides shall be protected by intensified administration." The Forest Service has no records of any conversations between the commenter and Mr. Yenke on this subject. Mr. Yenke passed away in 2000.

I. Do you know that every other wilderness, outside the two in this DEIS, limits group size to 12 total?

Why was this fact hidden way back in the appendix of this DEIS, (Appendix B-2) that many readers never get to? Shouldn't it have been up in the front where group size was discussed?

Response 179-556: This is not accurate. Party sizes vary from forest to forest, in some cases exceeding 12 people and 18 head of stock in other parts of the country, and are established by forest plans. Party size in other areas is not relevant to this analysis. Appendix B in the DEIS/FEIS lists the CFRs that apply to recreation activities in the analysis area, including wilderness. 36 CFR 261.58f pertains to the party size limitations specified in the Okanogan and Wenatchee Forest Plans. The EIS considers alternatives of varying party sizes for outfitter-guides. Refer to Response 179-158.

J. Do you know what the LNT brochures that outfitters are suppose (sic) to review with clients includes one that tells clients these things? (As you read these, think of the outfitter's 18 large animals roaming through streams and wetlands.)

Quotes from "Leave No Trace outdoor Skills and Ethics, North America Edition" •

"Recognize durable surfaces. What effect does a foot step have? The answer is, it depends. A footstep means different things to a tree sapling and meadow grass, to leaf litter and cryptobiotic soil, to a gravelly river bank and rain forest moss. (Page 7)

"Wherever you travel and camp, use surfaces that re (sic) resistant to impact such as rock outcrops, sand, gravel, dry grasses, snow or water." (Page 7)

"If you absolutely must travel through fragile terrain, try to place your footsteps in the least destructive locations and encourage your companions to step in exactly the same spots." (Page 10)

"To wash yourself or your dishes, carry water 200 feet away from streams or lakes. "

Response 179-557: Refer to Responses 179-7, 179-10, 179-13, 179-118, 179-119, and

179-125.

9. Are you sure?

Sometimes the validity of the data that is in the DEIS needs to be questioned. Is the information really accurate? Is it misleading? Will it really happen the way the DEIS says?

I. This mitigation measure suggests that: "If existing campsites need to be closed to protect resources, additional sites may be designed by the Forest Service ..." (Yes, this is one of those mitigation measures! Page 2-9

Most resource damage caused by camps is not in the people area. It is where the loose grazing occurs. This is true of the Bald Mt. camp. This is perhaps the worst camp in the Pasayten when it comes to damaging resources. If Alt. #2 makes it a reserved camp, does it seem likely that camps outfitters really like will be closed for (sic) to protect resources? at can never be corrected than the one at Bald Mt (sic). (And I surveyed and even mapped and photographed dozens of camps and most are in my scoping comments.)

Response 179-558: Refer to Responses 179-129, 179-131, 179-138, 179-144, 179-145, and 179-239.

II. This DEIS says all impacts of grazing horses/mules are in compliance with Riparian Reserve S&G and other management directives that protect wetlands, streams, etc.

A. The DEIS says yes. What information was used to make this declaration? The number of acres of wetlands impacted by camps was mentioned, 117.2. Were all of the acres of wetlands and streams and lakes degraded by grazing horses/mules used in this analysis? In the DEIS summary -29, the finding was based on just those 117.2 acres of wetlands within 500 feet of camps. Degradation from grazing goes out much farther. Almost all of it is farther out.

Response 179-559: Refer to Responses 179-187 and 179-191 for riparian reserves, 179-185 for wetlands, and 179-188 and 179-195 for information about the 117.2 acres of wetlands. The number of acres of wetlands potentially affected by outfitter-guide camps was revised to 86 acres in the FEIS (refer to FEIS page 3-242). A discussion of impacts from loose grazing stock was also added. Additional information was added to the FEIS concerning compliance with standards and guidelines. Refer to FEIS pages 3-242 and 3-270 for specifics concerning riparian reserve and botany (wetland) standards and guidelines.

b. Did the people who determined that Alt. #2 was in compliance with the NW Forest plan actually visit wetlands that might be impacted? Obviously the botanist visited some, but she didn't make the determination of compliance. Compliance was done under "aquatic resources".

Response 179-560: Refer to Response 179-211. The compliance determination was made using information from the Botany, Hydrology, and Aquatic Resources sections. Refer to Appendices L and M for compliance with Aquatic Conservation Strategy and

Riparian Management objectives.

c. The writer of the grazing part said horses/mules may not graze stream areas as much as cattle. I saw a lot of trampling of stream and wetland areas. This may have happened when stock congregated around water sources to drink. But trampling is trampling and this impacts Riparian Reserves that are protected under the NW Forest Plan. So what was this writer trying to say? Did he actually visit the grazing areas and study grazing patterns?

Response 179-561: Refer to Response 179-129 for loose grazing, and 179-350 for information on loose grazing pattern. The impact of loose grazing on wetlands is covered in Response 179-185 and riparian reserves in Responses 179-187 and 179-191. The impact of loose grazing on streams is summarized in the FEIS on pages 3-211.

I found that one of the favorite grazing areas for the horses/mules were "wet meadows". I also found that most of these meet the criteria to be classified as wetlands. I found that many people at MVRD and outfitters did not really know a wetland unless there was standing water. This is not required for a place to be a wetland. I have often heard MVRD folks say that the horses/mules don't like "wetlands" and stay out of them. I believe they are most fond of wet meadows plants. These are not "wet" like there is standing water. I do not know if the animals like wetlands with standing water.

Response 179-562: Refer to Response 179-129 and 179-350.

III. This DEIS says grazing animals are not causing plant selection in their grazing areas. Some of my data suggests otherwise.

1. How many and which grazing areas were studied by the people who wrote this conclusion in this DEIS? What time of year did they do their studies? Did the people who reached this conclusion

2. When in the Pasayten I actually spent most of my time studying wetlands. I found two impacts of loose grazing that I thought were causing plant selection. In my years in the Pasayten, I was most interested in wetlands. Impacts to them have been a primary interest to me for years. The degradation of wetlands in the Pasayten bothering (sic) me more than anything else. This is really why I became so involved. Most of the wetland degradation was caused by loose grazing stock, not camps.

3, I noticed impacts of urine, and most of it was where the large herd of outfitter stock grazed. I took many photos of this in a wet meadow near an outfitter's camp at Corral Lake. It appeared that first the areas turned yellow and most if not all plants were killed. Then some more tolerant plant species came back while others did not. Plant species selection occurring. The DEIS did not report this negative impact.

4. I also noticed that horses/mules prefer some plants over others ...They had their favorites. They ate the flowers before they went to seed and could reproduce. In heavily grazed areas, some of the plant species the animals favored were rare or gone. I'd only find a few in places along the edge of grazing areas where the stock seldom went. This was often at the edge where

the meadow ended and areas of trees started. Did I put this in my scoping comments? And photos?

Response 179-563: Refer to Response 179-254. Refer to FEIS page 3-349 for a discussion of the preferred graze species. The impacts of urine on water quality is discussed on FEIS page 3-175, and the effect of urine on wetlands on FEIS page 3-241.

10. The double standard: People verses Loose Horses/mules

In this DEIS, why were the outfitters' horses/mules given a free pass on everything? Yet they are 17% of all visitors to the Pasayten.

A. There is no data in the DEIS on the number of horses/mules that visit the wilderness each year. Isn't this odd since they cause far more impact than the people who are counted?

Response 179-564: Pack and saddle stock outfitter-guide clients are 32% of the stock users and 10% of all visitor days in the Pasayten. Estimates of the number of stock days were added to the FEIS. Refer to FEIS pages 3-38 for information, and 3-39 and 3-40 for the calculated estimates, and 3-57 and 3-60 for estimates under each alternative.

B. Why weren't horses/mules counted as "encounters" in the wilderness character encounter data? They sure are not natural features of the wilderness landscape, and they are big and very noticeable.

Response 179-565: Refer to Responses 179-97 and 179-392.

C. Why wasn't horse/mule excrement important while human excrement was a (sic) addressed in a long and very specific mitigation measure? Loose horses/mules got a pass on burying it 200 feet from water, trails, etc. (Mitigation #2a for humans).

Isn't horse manure a source of water pollution too?

On the west side of Washington, a big effort is being made to fence off grazing areas on private land to keep livestock away from streams. (Skagit County.) A big deal is also being made of pet feces near streams and lakes.

Response 179-566: There are mitigation measures for human excrement (#7a), and stock manure near campsites (#7b). Refer to Responses 179-224 and 179-225 for information about impacts to water quality from manure, and to Response 179-229 for information on water quality control in western Washington.

D. Why don't they have to model LNT principles while clients are suppose (sic) to? In mitigation measure # 1n, outfitters are required to review and teach leave no trace principles to their clients. This pamphlet tells people not to do all kinds of things the horses/mules will do throughout the trip. Won't clients notice this?

Examples from one LNT pamphlet:

"Locate catholes at least 200 feet from water, trails and camp. Avoid sites in gullies that will flow

with water during the next heavy rain."

"Tents, traffic routes and kitchen areas should be confined to already hardened areas of naturally resistant sites. " Wear soft-soled shoes around camp.

"Care is required to minimize disturbance to other visitors. Infrequent contact with other people, small party size and unobtrusive behavior all enhance the feeling of solitude."

"When traveling cross-country, hike on durable surfaces, each person choosing their own route, to minimize the amount of trampling anyone place receives." Etc.

Response 179-567: Refer to Responses 179-7, 179-10, 179-13, 179-118, 179-119 and 179-125.

E. In encounter data collected for wilderness character impacts, a horse was never counted as an encounter, just the rider. Isn't it a far greater encounter to meet people on horses than meeting a hiker?

Besides weighing some 1400 lbs more than the hiker, they are hard to pass. They can be a little frightening to hikers, especially on narrow trails and trails with steep drop-off. Forest Service information says hikers should stand on the down-hill side of trails which is pretty scary when it is steep.

Response 179-568: Refer to Responses 179-97 and 179-392. Information about encountering pack strings on trails was added to the FEIS on page 3-41.

F. Why weren't encounters with loose, grazing horses and mules without people considered as impacts on wilderness character?

Like many people, I have sometimes been enjoying the beautiful meadows and looking for wildlife as I hiked. Then I've come upon a meadow and it is filled with 18 grazing horses/mules. Isn't this more of a ranch scene than in a wilderness one?

Response 179-569: Forest Plan encounter requirements only apply to parties. Refer to responses 179-97 and 179-392. Refer to FEIS pages 3-52 for a discussion of the impacts of loose grazing on wilderness character.

11. Are the horses/mules that belong to private parties just better behaved?

The horses/mules that come with private parties don't seem to cause nearly as many problems. Why?

Because:

- a. private stock groups almost never allow their horses/mules to run loose all night. Most supervise their animals closely when loose and only allow them to run loose for brief periods. Many are now using different kinds of fences such as electric fences.*
- b. they have far fewer animals.*

A. Private parties don't often let their animals loose, unsupervised, to graze. The DEIS says this and I agree. Most private animals I saw loose were well supervised. One of the mules that

intimidated me as I tried to walk a main trail, (actually there were two) belonged to a private party. As I stood afraid to go past, the owner quickly saw the problem and came to get his mules off the trail. He was the one who told me it was because I had a dog. Usually when private groups let their horses loose to graze, the people stayed right with their animals. I also found that private groups did not let their animals loose at night. (I think this was all because they were afraid their animals would run away.) I never saw a private party horse more than a short distance from their camps.

Some private groups told me about problems they had with loose outfitter animals coming into their camps at night where their horses were tied.

Many private groups are using electric or rope fencing. Some put their horses out on stakes or hold lines as their animals graze. They only do this for short periods.

B. Private groups have far fewer horses/mules than outfitters. This is why these things work better for them but not outfitters. Seven or eight horses/mules are nothing like a herd of 18. The DEIS said private parties had much smaller groups. I sure found this to be true. Many were just two or three people. Lots of grazing methods work for a few animals that don't work with 18. Private people were willing to spend more time with their horses. Many really worried about their animals.

Response 179-570: There is a wide range of stock handling skills among non-outfitted stock users. Resource damage happens quickly when untrained stock and inexperienced stock users camp. The cumulative effects of pack and saddle stock and non-outfitted stock are discussed in the cumulative effects sections in Chapter 3. Refer to Response 179-129 for effects of loose grazing.

12. Eighteen is not the winning number!

Why doesn't loose grazing work for outfitters' horses/mules? Isn't it because there are just too many of them?

How can 18 animals that weigh around 1500 pounds and eat a lot, trample a lot, and defecate a lot be managed without unacceptable impacts?

A. Is there ANY way to feed 18 horses and mules without unacceptable impacts?

Response 179-571: No unacceptable impacts from loose grazing or stock containment were found. Loose grazing is the preferred method because it has less environmental impact compared to stock confinement. Stock confinement areas within camps are devoid of vegetation, and the soil is compacted and displaced. Since campsites, and stock containment areas are on flat, or nearly flat ground, there is little soil erosion. Any soil washing off stock containment areas is captured by the surrounding ground vegetation before it could reach any waterway (FEIS page 3-157). Refer to Response 179-129 for disclosure of impacts from loose grazing.

B. Doesn't the Forest Service guidebook on managing outfitter permits say on page 1-1:

"But times and knowledge have changed Some outfitters have helped pioneer this new ethic, with lightweight equipment, fewer pack stock, smaller parties ... those that have had difficulty adapting are out of business or working hard to comply"

Response 179-572: Refer to Response 179-18, second paragraph.

C. There are lower party size numbers that will work and keep outfitters in business. Why doesn't this DEIS explore the group size I suggested in the beginning of these comments? It will work.

Response 179-573: Refer to Responses 179-2 through 179-6.

D. This takes us back to Alt. #2. How can it be chosen if there is no way to allow loose grazing of 18 animals without causing impacts that violate all kinds of management directives?

Response 179-574: Refer to Response 179-129.

E. Is this perhaps why all only 12 horses/mules are allowed per group in all other wilderness areas in Washington State?

Response 179-575: Refer to responses 179-5 and 179-158.

F. Why do we allow 18? Is this because the Pasayten is tougher and can with stand the impacts more than other wildernesses?

Response 179-576: Refer to Response 179-3.

No, quite the opposite.

Doesn't the DEIS say that the two areas of the Pasayten where most stock outfitting occurs, Rimmel/Bald and Sheep/Corral have an usually large number and acreage of wetlands and riparian areas? I was amazed by the number of wetlands! Everywhere. Beautiful ones.

Response 179-577: Refer to Response 179-185 for the wetland analysis.

Didn't the DEIS say that the moist soils of forb wetlands were esp. fragile? That the hummocks in many wetlands were very unique to the area? Also that many of the sensitive plant species are found in wetlands? These are THE reasons I love the Pasayten so much and why I am writing these comment (sic).

This is what bothered me most about the damage in the Pasayten. It was to wetlands, one of the most important of all ecosystems. It was really upsetting to see hummocks smashed flat by horse hooves at the Beaver Creek camp and at Tungson Mine, to see wetlands trampled into mud-holes, to see horse trails through wetlands along streams. There are some places that can withstand more horse traffic such as ones I've seen in Montana. But not the Pasayten. This DEIS as (sic) it all wrong.

Response 179-578: Refer to Responses 179-185 (wetlands), 179-134 (hummocks), and 179-266 (sensitive plants).

G. Why, then, are more horses allowed in these wilderness areas than in any other in Washington State when the Pasayten might be one of the most fragile?

H. And how many outfitters are asking for a group size of 18 when no other wilderness user groups want it? About five? Not the llama and burro outfitters. No other wilderness groups want to use 18 animals. Most other groups are negatively impacted by the herd 18 horses/mules.

Response 179-579: Outfitters do not need to “ask” for a group size of 18, when that group size consists of no more than 12 people. Several comments were received in response to scoping letters and the DEIS requesting either larger party sizes, or to maintain the current size of 12 and 18. Refer to the Responses 179-2 through 179-6, and letters in the analysis file.

I. so why do we allow 18 in the Pasayten? Isn't it because a handful of outfitters have a tremendous amount of power and can get they what want from MVRD and ONF?

Response 179-580: Refer to Responses 179-2 through 179-6, and 179-167.

I have to say this:

I have loved horses all of my life. I have wanted to have horses all of my life. I have had horses most of my adult life.

I love to see horses out grazing free.

But this does not make horses part of "wilderness character" and it does not make all of their impacts acceptable in wilderness areas.

Section #9

Problems During the Scoping Period of this DEIS

I. When was the scoping period for this DEIS? What public comments were used as "scoping comments" for this DEIS? Over the years many people have commented to MVRD about outfitter issues.

1A. I believe this is what Jennifer Zbyszewski told me in a phone conversation about this the last week of October.

1. I want to clarify that this. I think she said she used many comments from back as far as perhaps 1999 or further, that she did not limit it to just those turned in during scoping period. She recognized that there was a scoping period about 2000 for what was then going to be an EA to renew permits. We didn't exactly agree on the dates when these were collected but that doesn't matter since she was very liberal on the inclusion of many other comments.

She said there was a scoping period around 1999 and/or 2000. Around then many comments were also collected for the Recreation Activity Review of 2000 which addressed many outfitter and outfitter management issues. She said she used, of course, the comments from the later scoping period for what became this EIS. And she used a lot of other comments about the issue that have come into MVRD over the years.

1B. This is great. It must have taken a great deal of time to find, sort through, and read all of this material. The file must be huge.

1C. I became involved in late 1998 and was told in the spring of 1999 by the district Ranger that the scoping period was ending that fall.

So perhaps this means there was a scoping period as early as 1998. I didn't receive a notice since I was not involved in 1998. It was during my first trip to the Pasayten that I became aware of outfitter issues in the Pasayten. On that trip, an outfitter arrived and moved into a camp not too far away from mine. This led to some friendly chats and my discovery that stock outfitters can have a major impact on wilderness resources and were violating many "rules"

1D. In later meetings with the MVRD District Ranger Laurie Thorpe about these problems she told me the scoping period was open on this EA and encouraged me to collect data for comments the next summer.

In the summer of 1999 and 2000 I collected and documented a lot of data about wetlands, camps, trails and outfitters. That fall, I gave this District Ranger my material. I did this again in 2000. Many others also submitted scoping comments for the EA to issue outfitter permits during this period.

Response 179-581: The public involvement process is described on FEIS page 1-24. Comment letters received are in the analysis file. The date on the earliest letter is February 5, 1999. The earliest date of correspondence from the commenter is undated, but refers to data she collected between July 10th and 18th, 1998.

2. How were issues chosen to be "Eliminated Issues" in this DEIS? And why did a response refer to me?

2A. There were hundreds of issues submitted during scoping. I understand the selection of "Key Issues", but how were the "Other Issues" or the "Eliminated Issues" chosen?

Under "Eliminated Issues", why were things like bears at Hannegan Pass, snowmobiles tracks in the wilderness, banning horses from the wilderness, stock impacts at Chinook Pass, etc. selected to be in this DEIS?

Why didn't three issues that were in many scoping comments and really related to the issuance of outfitter permits not mentioned at all, not even as Eliminated Issues?

a. Some of the 600 some pages I turned documented outfitter violations. b. problems in the administration. c. problems in monitoring of outfitter special use permits. It seems like at least one of these should have made it to "Eliminated Issues" if Hannegan Pass did?

Response 179-582: The eliminated issue to which the commenter refers was received in a scoping response letter from Wilderness Watch. Neither the comment from the organization nor the explanation of elimination in the DEIS referred to the commenter. The issue tracking forms in the analysis file document how each issue or comment was addressed. Many of the commenter's comments were lumped by subject matter with comments from other people and organizations when appropriate, and addressed through the analysis. Refer to the issue tracking forms for specific information.

2B. Yet, under the "Eliminated Issue" #27, why was the restraining order some outfitters tried to obtain against me in the answer? What was this comment put into the response when it has nothing to do with my Issue #17 was eliminated?

1. Under Eliminated Issues. IDEIS 1-27), #27:

"One or more of the current permittees have attempted, through litigation, to restrict certain members of the public access to areas of the Pasayten. This is a violation of their special use permits." Response: "This issue is a legal matter, and irrelevant to the decision. A restraining order was granted by an Okanogan County judge."

Response 179-583: The statement about the restraining order in the DEIS was incorrect. The Forest Service regrets the error, and the statement was corrected in the FEIS (see page 1-32). The issue was correctly eliminated because it was an isolated incident of a legal matter between the outfitter-guides and a private citizen, and therefore irrelevant to the decision. A settlement was reached between the parties.

2. Explanation of "Eliminated Issues" and responses to them. (DEIS 1-25)

"The following comments and issues were raised during scoping, but are eliminated because they were;) outside the scope of the proposed action, 2) already decided by law or regulation, Forest Plan, or other higher level decision, 3) irrelevant to the decision to be made, or 4) conjectural and not supported by scientific or factual evidence. The justification for this determination is included."

2C. The use and response to Issue #27 raises a number of question (sic) about the attitude and bias of some MVRD employees who are working on this EIS process. Why didn't the writers of this DEIS check the facts before putting this in?

Here is what happened: Shouldn't these have been checked by looking a transcript of the hearing before putting this in the DEIS?

- 1. Five outfitters wanted to get a restraining order against me to stop me from collecting scoping comments.*
- 2. I had never in my life met or seen the camp of one. Another I had seen only twice and this*

was one and two years before this effort, and I could not even recognize the other three since I had either not ever met him or they were too far away.

- 3. My sister went on my backpack trips though we seldom hiked together or camped near each other.*
- 4. My sister did meet and have a disagreement with an outfitter on a main trail where his camp was. I was not in the area and had never known about or met this outfitter who worked for NOLS and is not getting a permit through this DEIS.*
- 5. Outfitters quickly saw this as their chance to silence me.*
- 6. Five were able to get a hearing against both of us with petitions that were not legal because they were not signed under oath and did not name any incidents or only incidents that would merit such a case. Two of the five are asking for permits through this EIS process. In their petitions they could not name one time when something negative happened.*
- 7. The MVRD outfitter permit administrator had several witness reports that verified what my sister said happened and countered what the outfitter said to MVRD and later in court, under oath. MVRD refused to show or give these witness reports to me.*
- 8. After listening to very long testimony of two outfitters, the judge said he would end things by the end of the day and make his decision. We were never gave us (sic) time to present our side. We had much evidence to support our case. What (sic)*
- 9. At this point we were very interested in settling the case.*
- 10. The judge did not grant any outfitter a restraining order against me.*
- 11. We agreed to write letters to each of the five outfitter (sic) saying that we would stay away from the five, something we were very anxious to do at that point. The letters are not legal or binding. They are nothing like a legal restraining order.*

D. Why was this issue of outfitter litigation selected to be in the DEIS when dozens of scoping comments were not, such as outfitter violations and permit management problems? Does this indicate that writers of this DEIS still want to harass me for my scoping comments for this DEIS?

E. So why was this incorrect information about a restraining order that didn't happen put in this DEIS?

- 1. Aren't responses in this DEIS suppose (sic) to explain why an issue was eliminated? What does the restraining order have to do with reason?*
- 2. Was mention of the restraining order an indication that there are still people at MVRD who want to keep the strife of the scoping period alive?*
- 3. Aren't at least two MVRD employees who were involved in these problems now working on and even writing this EIS?*

Response 179-584: Refer to Responses 179-566 and 179-567. As stated earlier, the Forest Service regrets the error in the DEIS. The error was not an attempt to harass the commenter, nor does it show a bias against her. The IDT simply made an error when remembering the outcome of the situation that occurred 10 years ago. The issue was included in the list of issues because it was raised by an organization responding to the scoping letter. It was eliminated because it was irrelevant to the decision. Some of the Forest employees working on the analysis were involved in outfitter-guide permit administration in the late 1990s and early 2000s, but this is also irrelevant to this NEPA process.

3. My Role in the early scoping period

3A. It was quite by accident and nothing I planned or expected to do as I backpacked in the Pasayten.

1. I had never seen a stock outfitter when I went on my first backpack trip to the Pasayten. An outfitter just happened to come and camp near us at Goat Lakes. I loved horses and had one at the time so it was fascinating at first to see so many. We chatted and he asked me to have dinner with them after asking me if I was one of those backpackers who were always reporting me. When I was admiring one of his horses; he also asked me if I was counting how many horses/mules he had. Then he asked me to dinner.

2. I couldn't believe it when he put large clanging bells on some of his horses/mules and let them go. He told me to imagine I was in Switzerland.

When I later told the MVRD district ranger about the bells, she agreed that they were a real problem but she didn't know what to do about them. Why wasn't the issue of bells in this DEIS somewhere?

Response 179-585: Refer to Response 179-162

3. I couldn't believe it when he let but (sic) one of his horses/mules loose at his camp and they ran down to the nearby stream and drank and left manure, a stream I had used to fill my water bottle.

4. After he broke camp and left I couldn't believe all of the things I saw, things that I thought (sic) must be against some kind of regulations but I didn't know what.

Because his salt lick "bled" salt into the ground, a little herd of deer formed around it.

He had thrown left over food from breakfast out on the ground behind where his tent was.

He had cut and stacked a bunch of little trees up behind where his tent was.

His horses had grazed and drank from nearby Lower Goat Lake.

His horses had wandered through an area of the PCT signed and closed for rehab work.

His horses had wandered through an empty backpacker's camp next to the PCT trampling and leaving manure in it and its water source.

The bells clanged around our tent at times during the night.

The horses walked through the little trickle of water that was our water source.

3B. I took this list a few photos I'd taken to the MVRD district ranger to ask if any of these were illegal.

She didn't really give me an answer. In fact, for months she and no other people at MVRD would answer this question. They wouldn't even tell me if it was illegal to have horses at lakeshores, something I suspected. Some people at MVRD became angry when I kept asking. That is when I decided to get involved.

Response 179-586: According to Forest Service records, the commenter acknowledged receipt of the Wilderness CFRs in an 8/31/99 letter and 9/21/00 email. She also

acknowledged an employee's helpfulness in an 8/31/99 letter. Additional information about CFRs was sent to the commenter on 9/28/99.

I got a copy of the ONF Forest Plan to find out for myself just what was legal and illegal.

It just so happened that it was the scoping period for the EA on renewing outfitter permits, the one that changed into this EIS. Following the district ranger's suggestion, I started collecting data during 1999. I was most interested in wetlands and wetland damage so focused my notes and photos on this. But I also saw a lot of camps including outfitter camps and trails and documented these problems too. Those notes and photos became my first scoping comments.

3C. At the end of 1999, I met with and gave the district ranger reports on what I had collected for scoping for the EA. She accepted them as scoping comments.

They contained perhaps hundreds of pages of information, photographs, Forest Service documents, etc. about degradation of wetlands, outfitters violating many different laws and regulations, irregularities in the way MVRD was managing outfitter permits, and problems with trail and camp locations.

It was unbelievable what I saw outfitters do during 1999, and the next year, 2000. Outfitters had parties of over 30 without permission. Some left hot campfires when packing out. Some threw garbage like steak bones into the bushes near their camps. They cut live trees for camp benches and firewood. They illegally used poisons around camps, meaning without permission. Their loose stock went into private horse camps at night and disturbed the animals tied up there. They lied to MVRD. etc.

Response 179-587: Refer to Responses 179-220, 179-501, 179-565 and 179-566.

3D. Some outfitters and some people at MVRD became hostile. I was attacked in many ways by both, separately and together.

This is when some outfitters began to spread misinformation about me to MVRD and the community. I asked MVRD to intercede and hold meetings with outfitters and myself but they wouldn't. Outfitters often lied to MVRD with impunity. In one, an outfitter told MVRD that I crawled around his camps at night with a flashlight. This was amusing because I backpack with a 35 pound pack for 2 weeks. I do not carry any kind of light, or much else and I don't leave my tent at night. Others were not amusing. They convinced many people that I was trying to get all the horses out of the Pasayten. MVRD had the letters from witnesses that showed an outfitter's version of a story didn't happen. It is illegal for outfitters to give false information to the Forest Service.

3E. When MVRD did nothing about the violations, I started visiting Wenatchee to meet with the Forest Supervisor of the Okanogan National Forest and the agent in charge of investigating and enforcing laws in national forests.

The agent refused to investigate the violations even though some were easy to Investigate and

evidence was very available in camps.

Response 179-588: The commenter's comments lead to several actions by the Forest Service. Refer to Responses 179-34, 179-36 and 179-501. In August 2000, a Forest Service Special Agent interviewed Ms. Hall and found she had no direct evidence that outfitter-guides were violating CFRs. In July 2001 the Regional Forester concluded that the District and Forest were being responsive to Ms. Hall's claims. In 2002, the Washington Office found her allegations that the Pasayten Wilderness was being mismanaged could not be substantiated.

3F. The Forest Supervisor finally agreed to an "internal review" of issues regarding the Pasayten in 2000.

This became the "Recreation Activity Review" that is summarized in the Appendix of this DEIS. It addressed many issues regarding outfitters and MVRD management of their permits. I turned in hundreds of pages of materials to be considered.

Response 179-589: Refer to Response 179-501.

The summary does not include a recommendation that the camp set up without authorization on Bald Mountain be addressed.

Response 179-590: Refer to Responses 179-142.

3G. During this time the five outfitters petitioned for the hearing.

Response 179-591: The Forest Service had no role in the outfitters requesting the restraining order or how one is filed with local courts, nor do we have a copy of the petition.

3H. After that experience, I really understood what I had known for quite awhile (sic); a few stock outfitters have tremendous power over MVRD, ONF, enforcement agents, and Okanogan County judges.

Response 179-592: Refer to Response 179-567.

Has this changed? Why would this have changed? I really don't know.

I still love horses.

Response to Comments from Letter #228 (Budd-Falen Law Offices, LLC)

The contents of the letter are included verbatim, and shown in *italics* or **bold italics**. Responses to the comments are shown in **non-italic bold**.

Our office was retained by the Washington Outfitters and Guides Association and Okanogan County in order to provide the following comments on the Draft Environmental Impact Statement for Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance (hereinafter referred to as "DEIS"). As you are well aware, the Washington Outfitters and Guides Association ("WOGA") is the only industry organization in the State of Washington that represents outfitters, sport-fishing guides, horse and llama packers, white-water rafters, hunting guides, and other outdoor professionals who supply "outfitted services" to the recreational public in the State of Washington. WOGA is dedicated to the protection of the priceless natural assets of the northwest and to the fair and equal access to our natural resources for everyone. For many people, the outfitted trip is the only practical means of enjoying the rich heritage and timeless beauty of the State of Washington. WOGA is equally devoted to the concept of low impact on our wilderness and to the wisest use of our fish, game, and wilderness reserves.

Okanogan County is located in North-Central Washington, bordered by the Canadian border to the north. The Pasayten Wilderness area and portions of the Lake Chelan-Sawtooth Wilderness area lie within Okanogan County. Okanogan County is the largest county in the State of Washington. The local economy and underlying tax base are heavily dependent on outdoor tourism and recreation, including pack and saddle stock outfitter-guide services on National Forest System lands.

In summary, while WOGA and Okanogan County strongly support the protection of wilderness characteristics in the Pasayten and Lake Chelan-Sawtooth Wilderness areas, and issuance of 10-year term special use permits for pack and saddle stock outfitter-guide services in the Pasayten and Lake Chelan-Sawtooth Wilderness areas on the Methow Valley, Tonasket and Chelan Ranger Districts, WOGA and Okanogan County emphatically oppose a limitation of 4,560 annual service days for pack and saddle stock outfitter guides, which would be divided among the outfitters, or replacements, who meet term permit requirements. In our opinion, the number of service days allocated for pack and saddle stock outfitter guides in the preferred alternative is unjustifiably narrow and underestimates the opportunity for pack and saddle stock outfitter-guides businesses to develop a modest amount of growth.

In addition, WOGA and Okanogan County oppose a 5,250 square-foot limitation in existing campsites where the existing amount of barren soil exceeds 5,250 square feet. Again, in our opinion, the failure of existing campgrounds, in both the Pasayten and Lake Chelan-Sawtooth Wilderness areas, to comply with Forest Plan standards and guidelines is a result of historic livestock grazing, sheep herding and wildfires. Given the size of the analysis area, past grazing practices and past fire history, the effects of pack and saddle outfitter-guide use across the landscape are inconsequential. Current pack and saddle stock outfitter-guide activity is not causing long-term modification of any plant community.

Response 228-1: Alternative 4 was added to the FEIS to address these comments.

Consequently, please consider the following comments on the Draft Environmental Impact Statement for Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance on behalf of the Washington Outfitters and Guides Association and Okanogan County:

1. THE ISSUANCE AND RENEWAL OF 10-YEAR TERM SPECIAL USE PERMITS FOR PACK AND SADDLE STOCK OUTFITTER-GUIDE SERVICES SHOULD BE CATEGORICALLY EXCLUDED FROM ANY FURTHER ANALYSIS AND DOCUMENTATION.

There are no extraordinary circumstances which preclude the application of a categorical exclusion for the issuance of 10-year term special use permits for pack and saddle stock outfitter-guide services in the Pasayten and Lake Chelan-Sawtooth Wilderness areas on the Methow Valley, Tonasket and Chelan Ranger Districts.

A proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement only if there are no extraordinary circumstances related to the proposed action. See 36 CFR § 220.6(a). The mere presence of one or more of resource conditions (i.e., congressionally designated wilderness areas) does not preclude the use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. See 36 C.F.R. § 220.6(b)(2). An extraordinary circumstance exists only where a proposed action “may have a significant environmental effect.” See 40 C.F.R. § 1508.4 (defining categorical exclusion as a category of actions that do not “individually or cumulatively have a significant effect on the human environment.”) (emphasis added).

Response 228-2: The commenter reinterprets the definition for categorical exclusions provided in 40 C.F.R. § 1508.4. The definition provides for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. This in no way implies that all projects without significant effects can be categorically excluded; the project must fit a category, which this project does not.

Pursuant to 36 CFR § 220.6(e), issuance of a new special use authorization for a new term to replace an existing or expired special use authorization shall be categorically excluded from any further analysis or documentation when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization. See 36 CFR § 220.6(e)(15). Categorical exclusions are to be used for routine actions that have been found by the agency through repeated environmental review to have no significant environmental effects either individually or cumulatively.

Response 228-3: All of these alternatives would increase the scope of the activities because 10-year permits would be issued; these outfitters have never had 10-year permits. Additionally, two alternatives increase permitted numbers (although one only slightly). Therefore this category is inappropriate. In addition, Forest Plan amendments are required to address the discrepancy between barren core limitations and party sizes, and campsite proximity to meadows, lakes, and streams. Forest Plan amendments are not categorically excluded.

In this case, neither the Forest Service nor an extensive administrative record provide any reason to doubt the conclusion that none of the possible effects from pack and saddle stock outfitter-guide activity are potentially significant. To the contrary, any potential effects from pack and saddle stock outfitter-guide activity are inconsequential. To be sure, wilderness condition has been on an upward or stable trend since designation. Moreover, there are no proposed increases in the scope or intensity of pack and saddle stock outfitter-guide services in the Pasayten and Lake Chelan-Sawtooth Wilderness areas. In addition, to the best of our knowledge and belief, each of the permittees have remained in full compliance with the terms and conditions of their special use permits. The Forest Service previously acknowledged it is physically impracticable to comply with management direction regarding party sizes and maximum vegetation loss sizes set forth by the Okanogan and Wenatchee Forest Plans. To be sure, many of the camps exclusively used by and devoted to Forest Service personnel fail to comply with management direction regarding maximum vegetation loss set forth in the Okanogan and Wenatchee Forest Plans and the DEIS.

Therefore, there is no justification which precludes the application of a categorical exclusion for the issuance of 10-year term special use permits for pack and saddle stock outfitter-guide services in the Pasayten and Lake Chelan-Sawtooth Wilderness areas on the Methow Valley, Tonasket and Chelan Ranger Districts.

Response 228-4: The current Forest Plans limit barren core (vegetation loss) to 400 to 1,000 square feet. The proposed action includes a forest plan amendment to allow pack and saddle stock outfitter-guides to use up to 5,250 square feet of barren core in established campsites. Forest Plan amendments cannot be categorically excluded from documentation. In addition, the effects of the proposed action are highly controversial, particularly in regards to wilderness character. Refer also to Response 228-2. Therefore, an environmental impact statement is the appropriate level of NEPA documentation for this proposal.

2. PACK AND SADDLE STOCK OUTFITTER-GUIDE SERVICES ARE ENTITLED BY THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 558(C), TO CONTINUE UNDER THE SAME TERMS AND CONDITIONS AT THE SAME LEVEL OF AUTHORIZED USE UNTIL SUCH TIME AS THE ENVIRONMENTAL IMPACT STATEMENT IS FINALIZED AND A RECORD OF DECISION IS ISSUED BY THE FOREST SUPERVISOR. *The Administrative Procedure Act ("APA"), 5 U.S.C. § 558(c), recognizes the due process requirement for the renewal of special use permits. "When the licensee [of a Federally issued licence] (sic) has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency." See 5 U.S.C. § 558(c). Under the APA, a "license" includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. See 5 U.S.C. § 551(8).*

In County of Sullivan, New York v. Civil Aeronautics Board, 436 F.2d 1096, 1099 (2nd Cir. 1971), the United States Court of Appeals for the Second Circuit stated that:

The whole thrust [of 5 U.S.C. § 558(c)] is to protect applicants and licensees, not to impose unsought obligations upon them. . . by providing that if the licensee has

timely sought renewal, the valuable rights conferred by a license for a limited term shall not be lost simply because the agency has not managed to decide the application before expiration of the existing license. As Mr. Justice Burton said, dissenting in Pan-Atlantic Steamship Corp. v. Atlantic Coast Line R.R., 353 U.S. 436, 444-445 (1957), in a passage with which the majority did not express disagreement, “[t]he policy behind [5 U.S.C. § 558(c)] is that of protecting those persons who already have regularly issued licenses from the serious hardships occasioned both to them and to the public by expiration of a license before the agency finds time to pass upon its renewal.”

See County of Sullivan, New York v. Civil Aeronautics Board, 436 F.2d at 1099. In County of Sullivan, the licence (sic) involved an airline’s authority, pursuant to the permission of the Civil Aeronautics Board, to continue service to a county airport. In Pan-Atlantic, the licence (sic) involved permission by the Interstate Commerce Commission which would allow a common carrier to continue service. See generally Pan-Atlantic Steamship Corp. v. Atlantic Coastline R.R., 353 U.S. 436 (1957). In both cases, the businesses which depended upon their licences (sic) to operate were allowed to continue pursuant to 5 U.S.C. § 558(c) based upon their expired licences (sic), pending a final determination by the granting agency. Succinctly, the granting agencies’ failure to timely renew a licence (sic) which was properly applied for could not be used as an excuse to shut down the licensees’ businesses. The very purpose of 5 U.S.C. § 558(c) is to protect a licensee’s (sic) continuing economic interests.

*Section 558(c) limits application of the provision to licences (sic) which allow an “activity of a continuing nature.” As explained in Pan-Atlantic, “‘Licencee,’ (sic) as used in the sentence of § 9(b) which we have quoted, would seem, therefore, to include one who holds a temporary permit It is argued that ‘license’ in that section includes only those that are permanent. But we see no justification for that narrow reading. A permit for 180 days covers an ‘activity of continuing nature.’” See Pan-Atlantic Steamship Corp. v. Atlantic Coastline R.R., 353 U.S. at 439. The United States Court of Appeals for the District of Columbia in Miami MDS Company v. Federal Communications Commission, 14 F.3d 658, 660 (D.C. Cir. 1994) agreed, noting that an activity of a continuing nature “suggests an activity that is normally carried on indefinitely under licenses that as a regular matter are renewed or replaced with new licenses issued to the current holder.” See Miami MDS Company v. Federal Communications Commission, 14 F.3d 658, 660 (D.C. Cir. 1994). The court contrasted activities of a continuing nature, such as a radio broadcasting licence (sic), to a licence (sic) permitting the dredge and fill a particular area within a specific time frame, which only allows a specific activity for a limited period of time. See *id.**

*Under the APA, 5 U.S.C. § 558(c), licenses of a continuing nature are to be renewed, even if the agency has not completed the paperwork. “The policy behind § 558(c) is that of protecting those persons who already have regularly issued licenses from the serious hardships occasioned both to them and to the public by expiration of a license before the agency finds time to pass upon its renewal.” See Pan-Atlantic Steamship Corp. v. Atlantic Coast Line Railroad Co., 353 U.S. at 439. The Supreme Court has clarified that 5 U.S.C. § 558(c) “is a direction to the various agencies.” See *id.**

Pack and saddle stock outfitter-guide services are subject to 5 U.S.C. § 558(c). A special use permit is a license issued by a Federal agency. The licence (sic) permits an activity of a continuing nature. A special use permit, typically issued for a ten-year period, allows the holder

to conduct a specific and continuing profession, and the license is generally renewable by the same licensee, by virtue of his preference right. Title 5 U.S.C. § 558(c) is designed to protect businesses who depend on the timely renewal of their licenses to remain in business. The members of WOGA herein clearly meet this definition.

*Again, according to the APA, “a license with reference to an activity of a continuing nature does not expire until the application has been **finally determined by the agency.**” See 5 U.S.C. § 558(c) (emphasis added). The members’ expired special use permits are Federal licences **(sic)** permitting an activity of a continuing nature. Since the Forest Service has yet to finalize the Environmental Impact Statement, the decision of the Forest Service has not been finally determined. The members of WOGA are, therefore, entitled by the APA to continue under the same terms and conditions at the same level of authorized use until such time as the Environmental Impact Statement is finalized and a Record of Decision is issued by the Forest Supervisor.*

There is no doubt that the issuance of one-year special use permits to the members of WOGA has created significant economic consequences on each of the permittees. For the past several seasons, the permittees have been required to plan and organize their businesses without any knowledge or expectation of their permitted use for the following seasons. Consequently, renewal of each of the permits under the same terms and conditions at the same level of authorized use until such time as the Environmental Impact Statement is finalized will allow each of the permittees to continue their businesses with only minor economic impacts. In addition, the public has not been served by issuance of one-year special use permits as each permittee lacks any anticipated occupancy and use of the National Forest System lands until such time as a permit has been issued. The public have effectively been prevented from making future arrangements for their use of the National Forest System lands through pack and saddle stock outfitter-guide services. The renewal of these special use permits — licenses of a continuing nature — are paramount for the continued livelihoods of the members of WOGA and the public’s enjoyment of our natural resources.

Response 228-5: Ten-year permits cannot be issued until the environmental analysis is completed. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits that expire on March 31, 2012, and none of them has ever held a ten-year permit. Their current permits contain language in Sections I.C. and I.D. that makes this clear:

This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of this permit. The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service.

3. THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FAILED TO ANALYZE THE EXISTING MANAGEMENT REGIME AS AN ALTERNATIVE TO THE PREFERRED ALTERNATIVE. A no-action alternative is required in an Environmental Impact Statement. See 40 CFR § 1502.14(c). According to the National Environmental Policy Act Handbook, FSH 1909.15, Chapter 10, § 14.2, two interpretations of “no-action” are possible. The first interpretation involves an action such as

the amendment or revision of a land management plan where ongoing programs described within the existing plan continue, even as new plans are being developed. In these cases, the no-action alternative means no change from current management direction. Consequently, the responsible official would compare the projected impacts of alternative management schemes to those impacts projected for the existing uses. Thus, “no-action” is no change from current management direction or level of management intensity. The second interpretation of no-action is that a proposed action or activity would not take place. To construct an alternative based on no management at all would be a useless academic exercise. Therefore, the “no-action” alternative may be thought of in terms of continuing with the present course of action until that action is changed.

The Forest Service failed to conduct surveys or studies of the current management regime, including continued use of existing campsites with barren soils exceeding 5,250 square feet, to serve as a basis for comparing the alternatives with the current uses. Therefore, the Forest Service should compare the projected impacts of alternative management schemes to those impacts projected for the existing management regime, including continued use of existing campsites with barren soils exceeding 5,250 square feet.

It is important to note that the scoping notice stated that the Forest Service was considering renewing each of the permits for a total of 4,900 annual service days for pack and saddle stock outfitter guides. However, the Forest Service failed to compare the projected impacts of alternative management schemes to those impacts projected for 4,900 annual service days. At the very least, the Forest Service should reconsider additional alternatives which include 4,900 annual service days for pack and saddle stock outfitter guides.

Response 228-6: Although the Council on Environmental Quality (CEQ), in its 40 Most Asked Questions, defines the “no action” alternative in two different ways, both “no change” and “no project,” it is clear that for this project, no-action means no project. As CEQ discusses:

The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed.

That is not the case with this project. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits, as described in Response 228-5. All alternatives must include Forest Plan amendments because the party size and barren core standards and guidelines in the current Forest Plans are incompatible.

The Forest Service added an alternative that would amend the forest plans to allow pack and saddle stock outfitter-guides to use of existing barren core in established campsites,

but prohibit them from increasing the amount of barren core in the campsites. The alternative would include 6,700 service days (refer to FEIS page 2-16). The effects of this alternative, Alternative 4, are included in each resource section in Chapter 3.

4. A DETAILED ECONOMIC ANALYSIS IS REQUIRED FOR AN ENVIRONMENTAL IMPACT

STATEMENT. *Environmental values are to be given appropriate consideration along with economic and technical considerations. Thus, a detailed economic analysis is required for an environmental impact statement. Pursuant to NEPA, 42 U.S.C. § 4332(C)(ii), an environmental impact statement must sufficiently analyze the environmental effects of the proposed action. The “effects” that should be discussed include “aesthetic, historic, cultural, economic, social, or health” effects, “whether direct, indirect, or cumulative.” See 40 CFR § 1508.8 (emphasis added). Furthermore, according to the Council on Environmental Quality, 40 CFR § 1508.14:*

Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

Based on the foregoing, a detailed economic analysis is required for an environmental impact statement. See 40 CFR § 1502.23.

Inaccurate economic information may defeat the purpose of an environmental impact statement by impairing the agency’s consideration of the adverse environmental effects and by skewing the public’s evaluation of the proposed agency action. See Natural Resources Defense Council v. United States Forest Service, 421 F.3d 797, 811 (9th Cir. 2005). Although economic factors are not controlling, they should not be ignored; they are legitimate considerations in arriving at what is essentially a political decision requiring a broad spectrum of uses to be evaluated.

*In this case, there was no detailed economic analysis performed by the Forest Service concerning the economic impact to local businesses and communities from implementation of the preferred alternative, including reducing the size of existing campsites to no more than 5,250 square feet of barren soils. Undoubtedly, the proposed terms and conditions will suffer severe economic impacts on the each of the permittees. Thus, the Forest Service is required an analyze (**sic**) and assess those economic impacts prior to recommending one alternative or another.*

Response 228-7: An economic analysis was completed and is included in the FEIS, beginning on page 3-357. Barren core camp size standards and guidelines would not be reduced in any alternative. In all alternatives, barren core sizes would be increased over current Forest Plan requirements.

5. THE PREFERRED ALTERNATIVE MAY ONLY ACHIEVE A MINOR ENVIRONMENTAL BENEFIT. *It is possible that implementation of the terms and conditions related to outfitter-guide activities*

will have no effect on improving or maintaining the condition of wilderness campsites. The effect of the preferred alternative on outfitter-guide activities could be a minor beneficial improvement in the large, existing campsites used by outfitter-guides. There may be some slow improvements at sites with barren soils exceeding 5,250 square feet as the unused portion begin to revegetate. The revegetation at many camps, if any, however, would be too slow to measure in the next decade because of the short, harsh growing season, and the possibility that non-outfitted users would continue to use the area.

Response 228-8: This is disclosed in the FEIS on pages 3-70 through 71.

A substantial amount of pack and saddle stock outfitter-guide activity is during the fall hunting season when soils are dry and vegetation has senesced. Fall use has the least potential to affect plant recovery during the following season. In addition, the camps in the Lake Chelan-Sawtooth Wilderness are not closed to the public, so the recovery of acreage above the barren soil limitation of 5,250 square feet would depend on the activities on non-outfitted pack and saddle stock users and hikers. Since these camps would not be closed to non-outfitted use, camping practices of private pack and saddle stock uses and hikers could affect the rate of recovery. Correction of perceived problems will take decades of rehabilitation, which can be undone in a matter of days if a camping party does not practice leave-no-trace camping techniques. Since the Forest Service lacks any management authority over non-outfitted pack and saddle stock users, the permittees may be held responsible for the failure to achieve certain standards through no fault of their own.

Response 228-9: The impacts to soil are disclosed in the FEIS beginning on page 3-150 and vegetation in Botany, beginning on FEIS page 3-235. Both sections acknowledge the impacts of non-outfitted recreationists. Specifically refer to the discussions of Alternative 1 beginning on pages 3-160 and 3-254. The Forest Service has “management authority” over non-outfitted pack and saddle stock users, but their use is not part of the purpose and need for this analysis.

Thus, where it can be determined that more than one kind of user is responsible for failure to achieve a standard, and adjustments in management are required, those adjustments need to be made to each kind of user in proportion to their degree of responsibility. In this case, the Forest Service presented no methodology to differentiate non-outfitted uses. This is especially significant since the analysis area is frequented by non-outfitted pack and saddle stock users and hikers. Without making this necessary determination, or appropriating any degree of responsibility to non-outfitted users, implementation of the terms and conditions in this case is without a rational basis, and is therefore, arbitrary and capricious.

Response 228-10: The DEIS stated that the effects of non-outfitted versus outfitted stock impacts could not be differentiated on-the-ground. This statement was corrected in the FEIS, to clarify that the environmental effects of all recreation use, and how those effects change with the alternatives, are included in the cumulative effects section(FEIS page 3-27). The effects analysis of Alternative 1 and cumulative effects analysis of all alternatives in each resource section of Chapter 3 discuss the impacts of non-outfitted users and is the basis for comparison with the action alternatives. The rationale for each mitigation measure (terms and conditions) is disclosed, and is not arbitrary and capricious. Refer to Responses 179-148 and 179-327.

Subsequent to the designation of wilderness, campsites that were used by the public changed very little after the areas were designated as wilderness due to the short growing season and impacts from continued use. Thus, the Forest Service acknowledges that there would be virtually no difference in the effect to wilderness character from one alternative to the next since the amount of use associated with the pack and saddle stock outfitter guides is such a small percentage (i.e., 2%) of overall use.

In fact, complete elimination of outfitter-guide activities may result in only a slight improvement in wilderness character. Full recovery of these areas would take decades of non-use for vegetation to regrow. The actual rate of measurable changes in the size of barren core cannot be estimated, since all sites would continue to be used to some extent, and revegetation would depend on frequency and duration of use, and camping practices on non-outfitted users.

For example, the Pasayten Wilderness encompasses 531,541 acres (approximately 23 billion square feet). However, according to the DEIS, only 21,562 square feet (or less than ½ acre) exceed the barren soil limitation set forth in the preferred alternative. The Lake Chelan-Sawtooth Wilderness encompasses 153,129 acres (approximately 6.67 billion square feet). However, according to the DEIS, only 35,779 square feet (or less than 7/8 acre) exceed the barren soil limitation set forth in the preferred alternative. Thus, any improvement to existing campsites in the analysis area would be so slight that the magnitude of difference is essentially immeasurable and insignificant. Given the size of the analysis area and the amount of permitted outfitter-guide activities, the effects of pack and saddle outfitter-guide use across the landscape are inconsequential.

Response 228-11: The above characterization is generally correct, however the barren area outside of the newly designated area for use within assigned sites would no longer be available for public use and would begin to recover naturally. The impacts to wilderness character from campsites in all alternatives are disclosed on FEIS pages 3-44 through 3-52, 3-60 through 3-61, 3-63 through 3-64, 3-70 through 3-72, 3-74 through 3-77, 3-78 through 3-80, and 3-89 through 3-91.

*Of concern, the DEIS acknowledges that field visits were made by Forest Service personnel only where necessary — hence, not all the area was sufficiently inventoried at the appropriate season. Consequently, the DEIS failed to take into consideration impacts and effects wholly unrelated to pack and saddle outfitter-guide use. For example, the soil underneath evergreen or pine trees tends to be dry, acidic and devoid of sunlight. Thus, complete elimination of outfitter-guide activities may not result in any measurable improvement to campgrounds with barren soils located underneath evergreen or pine trees. The Forest Service’s assessment must be based on the “best available science.” See *Ecology Center v. Castaneda*, 562 F.3d 986, 990 (9th Cir. 2009), citing 36 C.F.R. § 219.35(a); see also *Seattle Audubon Society v. Espy*, 998 F.2d 699, 703-04 (9th Cir. 1993) (holding that the Forest Service violated NEPA where it relied on “stale scientific evidence”). Accordingly, under the National Environmental Policy Act, the Forest Service acted arbitrarily and capriciously, when preparing the DEIS for pack and saddle stock outfitter-guide services, in failing to use the “best available science” standard by gathering data of impacts and effects wholly unrelated to pack and saddle outfitter-guide use. Of paramount importance is knowing whether the proposed terms and conditions will actually result in any*

environmental benefit, or whether the permittees may be held responsible for failing to achieve certain standards through no fault of their own.

Response 228-12: Barren core is defined on FEIS page Glossary-3. It does not include areas naturally devoid of ground cover, such as under evergreen or pine trees. Refer to the definition. Refer to Response 228-7 for discussion of impacts of non-outfitted recreationists, and rationale for mitigation measures (terms and conditions).

Therefore, it is arbitrary, capricious and unreasonable to attempt to improve plant communities via terms and conditions designed to manage outfitter-guide activities when pack and saddle outfitter-guide use was not solely responsible to begin with. No rational basis exists for implementing these new terms and condition unless, and until, the Forest Service can prove that deteriorated conditions exist specifically due to pack and saddle stock outfitter-guide services.

Response 228-13: The pack and saddle stock outfitter-guides are having direct and indirect effects to plant communities, as disclosed in section 3.7, the terms and conditions (mitigation measures) are needed to reduce or avoid these impacts (refer to FEIS pages 3-257, 3-259, 3-260, 3-263, and 3-265 for a discussion of mitigation measures designed to reduce outfitter-guide impacts to vegetation). The current Bald Mountain camp was created by the outfitter-guide, and the amount of barren core in the Crow Lake camp increased once the outfitter-guide began using it for full-service camps (refer to Responses 179-307 through 179-312). The outfitters are perpetuating barren core in existing campsites because of the allowable party size. The effects of the barren core in all campsites are discussed throughout Chapter 3, with the first discussion appearing on FEIS page 3-32. This section acknowledges that many of the existing impacts have been and are being caused by non-outfitted stock users and other recreationists. The cumulative effects of past, present, and reasonably foreseeable future actions, including non-outfitted recreationists, are discussed in each section of Chapter 3.

Similarly, implementation of blanket terms and conditions in this case is irrational and without any justifiable support since the Forest Service did not perform any site-specific analyses to determine whether the proposed terms and conditions were actually warranted on individual campgrounds. In this case, the Forest Service did not take into account the individual features and attributes of each of the campgrounds in the analysis area, including the variability of the range in terms of forage production, vegetation, soils, and variability in the magnitude and duration of uses.

Options for management should be considered on a site-by-site basis, because no single option will permit achievement of desired conditions on all sites. Widespread use of the same set of standards over large areas can not (sic) be considered a reliable basis for monitoring efforts, because of the natural variation occurring within and between campgrounds in the same forest. Each campground has unique characteristics that must be accounted for in developing a strategy. Placing blanket standards for an entire forest is not informed or efficient management. If such standards are needed, they should be implemented on a site-specific basis. The Forest Service has not explained or justified why the same terms and conditions should apply to all campgrounds throughout the forest, when many of which have different types of users, different riparian plant communities, encompass different vegetation types, are in varying seral stages,

have different riparian characteristics, and, most importantly, are under different management regimes.

Response 228-14: Site specific analysis of each wilderness campsite was conducted during campsite inventories. The amount of barren core and number of damaged trees is included in the FEIS for every campsite used by the outfitter-guides with over 2,800 square feet of barren core (FEIS pages 3-47 and 3-49). Information on every wilderness campsite used by the outfitter-guides is included in Appendix A. Not every mitigation measure applies to every camp, as the commenter suggests, but is implemented on a site-specific basis based on location and size of the camp, proximity to riparian areas, and other factors. The mitigation measures (terms and conditions) apply as described in each measure, beginning on FEIS page 2-19. Refer to Responses 179-148 and 179-327 for information on the rationale for the mitigation measures. The Monitoring Plan begins on FEIS page 2-26.

6. THE FAILURE OF EXISTING CAMPGROUNDS, IN BOTH THE PASAYTEN AND LAKE CHELAN-SAWTOOTH WILDERNESS AREAS, TO COMPLY WITH FOREST PLAN STANDARDS AND GUIDELINES, INCLUDING BARREN SOILS AND VEGETATION LOSS, IS A RESULT OF HISTORIC LIVESTOCK GRAZING, SHEEP HERDING AND WILDFIRES. *Many camps used by livestock permittees were converted to pack and saddle stock outfitter camps. Given the short growing season, post-grazing recovery to plant communities takes decades. As a result the majority of grazing effects seen across the analysis area are tied to past practices and not the result of pack and saddle stock outfitter-guide or private party stock use. Given the size of the analysis area, the effects of past grazing practices, and past fire history, the effects of pack and saddle outfitter-guide use across the landscape, if any, would be inconsequential.*

Current pack and saddle stock outfitter-guide activity is not causing long-term modification of any plant community. Outfitter pack and saddle stock grazing in and around campsites would not result in further landscape modification of natural plant succession due to the limited amount of area where the animals graze and the small number of animals compared to past use.

Furthermore, on occasion, wildfires burn deep through organic soils to expose tree roots. Relatedly, direct damage to trees caused by erosion occurs frequently after wildfires; erosion may be severe enough to expose roots.

Consequently, as set forth above, implementation of the terms and conditions related to outfitter-guide activities will have no measurable effect on improving or maintaining the condition of wilderness campsites. At most, the preferred alternative would achieve only a minor environmental benefit.

Again, it is arbitrary, capricious and unreasonable to attempt to improve plant communities via terms and conditions designed to manage outfitter-guide activities when pack and saddle outfitter-guide use was not solely responsible to begin with. No rational basis exists for implementing these new terms and condition unless, and until, the Forest Service can prove that deteriorated conditions exist specifically due to pack and saddle stock outfitter-guide services. Consequently, options for management should be considered on a site-by-site basis in order to take into consideration past practices in relation to current uses.

Response 228-15: Refer to Responses 228-6, 228-7, 228-10, 228-11, and 228-13.

7. THE PREFERRED ALTERNATIVE FAILS TO GIVE AN OPPORTUNITY FOR PACK AND SADDLE STOCK OUTFITTER-GUIDES BUSINESSES TO DEVELOP A MODEST AMOUNT OF GROWTH.

According to the Special Uses Handbook, FSH 2709.11, section 41.53m(2), to ensure that five years of use are available for review as a basis for making the allocation adjustment, the authorized officer may consider extraordinary circumstances that prevent a season of operation and adjust the review period to include a previous or an additional year of use. For example, when an administrative closure order prevents public access for the majority of an operating season, the authorized officer may review five years of use that excludes use during the year of the extraordinary circumstance. Further, the Special Uses Handbook, FSH 2709.11, section 41.53m(2)(a), demands that for holders with 1,000 service days or less add an additional 25 percent of that amount in consideration of market fluctuations, availability of state hunting licenses, and natural phenomena that may have adversely affected the holder's ability to utilize the authorized use fully.

Saddle stock outfitter-guides businesses have experienced an overall downward trend in the number of service days during the past ten years. Two major contributing factors have been the wildfires and the downturn in the economy. Wildfires have affected the outfitters' ability to use traditional areas, decreased the number of people visitors to the area, and therefore the number of clients seeking service. The effects of the fires have continued into the years following the fires — trails have been closed, or much more difficult to travel, established campsites have been burned, and the character of the land has changed. These factors have all contributed to a decline in clients.

The DEIS and the Needs Assessment both acknowledge that there will be an increase in the number of people and the percentage of visitors who are physically incapable of hiking or backpacking into the Pasayten and Lake Chelan-Sawtooth Wilderness areas, and that the need for pack and saddle stock outfitter-guides will increase in the coming years. Thus, the number of service days allocated to each permittee should be readjusted to consider the impact of recent wildfires and the downturn in the economy on the number of service days actually utilized during the past ten to fifteen years. Furthermore, the number of service days should be adjusted by an additional twenty-five percent (25%) to provide for a modest amount of growth in the future.

Response 228-16: The Forest Service Handbook does not “demand” a certain method for calculating service days. Rather, it gives direction for determining service days based on past actual use. Alternative 4 was added to the FEIS, and includes increasing the number of service days to 6,700. The number of service days in Alternative 2 was calculated with the combined highest annual actual use for each outfitter from 2004 to 2009, increasing that number by 25%. The service days in Alternative 4 represent the highest annual actual use days from 1999 to 2009, increased by 25%. The time span used was 1999 to 2009 because these alternatives were finalized for analysis in 2009. Actual use levels in 2010, 2011, and 2012 did not exceed the highest level in the time span 2004 through 2009 or 1999 through 2009. The ten year time span was used at the request of the current pack and saddle stock outfitter-guides. Longer time spans (such as 15 years) were considered but eliminated because the intent of the handbook direction is to assign service days at levels that reflect current use. Extending the actual use consideration period

beyond 10 years in the past would inflate use beyond what would likely occur in upcoming 10 years. Refer to FEIS pages 2-9, 2-12, and 2-15.

8. THE FOREST SERVICE MAY AUTHORIZE COMMERCIAL SERVICES WITHIN WILDERNESS AREAS TO THE EXTENT NECESSARY FOR REALIZING THE RECREATIONAL OR OTHER WILDERNESS PURPOSES OF THE AREAS. *The Wilderness Act generally prohibits commercial enterprises in the wilderness areas, see 16 U.S.C. § 1133(c), but authorizes commercial services within wilderness areas “to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” See 16 U.S.C. § 1133(d)(5) (emphasis added). The Forest Service has interpreted this provision to allow the agency to “permit temporary structures and commercial services within the National Forest Wilderness to the extent necessary for realizing the recreational or other wilderness purposes, which may include, but are not limited to, the public services generally offered by packers, outfitters, and guides.” See 36 CFR § 293.8 (emphasis added).*

There was no determination by the Forest Service whether existing campsites with barren soils exceeding 5,250 square feet were necessary in promoting wilderness appropriate recreation. Existing outfitter-guide activities, including the size of existing campgrounds, is the minimum amount required for businesses to stay in operation. If the level of existing outfitter-guide activities or size of campgrounds was reduced, there is a high likelihood that some businesses would fail. This would create a high probability of unpredictable changes in the types of services available, and a risk to the Forest Service’s ability to meet the identified needs.

Response 228-17 The impacts of the barren core limitations on wilderness character are disclosed in the FEIS on pages 3-44 through 3-52, 3-60 through 3-61, 3-63 through 3-64, 3-70 through 3-72, 3-74 through 3-77, 3-78 through 3-80, and 3-89 through 3-91. The potential impacts to outfitter-guide businesses from barren core limitations are disclosed on FEIS pages 3-17 through 3-19.

In summary, as set forth above, WOGA and Okanogan County emphatically oppose a 5,250 square-foot limitation in existing campsites where the existing amount of barren soil exceeds 5,250 square feet. Implementation of the terms and conditions related to outfitter-guide activities will have no effect on improving or maintaining the condition of wilderness campsites. Given the size of the analysis area and the amount of permitted outfitter-guide activities, the effects of pack and saddle outfitter-guide use across the landscape are inconsequential. On the other hand, however, if the level of existing outfitter-guide activities or size of campgrounds was reduced, there is a high likelihood that some businesses would fail. Thus, the Washington Outfitters and Guides Association and Okanogan County respectfully request the immediate issuance and renewal of 10-year term special use permits for pack and saddle stock outfitter-guide services. Both the Needs Assessment and the DEIS make clear that the proposed action will have no significant environmental effect of any kind.

Response 228-18: The commenter’s assertion that the terms and conditions will have no effect on the condition of wilderness campsites is incorrect. The alternatives’ direct and indirect effects on campsite condition are disclosed on FEIS pages 3-60 through 3-61, 3-63 through 3-64, 3-70 through 3-72, 3-74 through 3-77, and 3-78 through 3-80. Alternative 4 was added to the FEIS, and includes a forest plan amendment to allow pack and saddle stock outfitter-guides to use existing barren core in established campsites, but prohibiting

creating of additional barren core. The effect of this alternative on the outfitter-guides is disclosed on FEIS page 3-19. Refer to Response 228-2 for response to reissuing permits immediately.

Finally, in addition to each of the comments, suggestions and concerns noted herein, the Washington Outfitters and Guides Association and Okanogan County respectfully request that the Forest Service analyze and consider a fourth alternative in the DEIS: 4,900 annual service days for pack and saddle stock outfitter guides (as announced in the scoping notice), plus an additional twenty-five percent (25%) of that amount as required by the Special Uses Handbook, no barren soil limitations, and an open priority use pool for five years in order to more accurately calculate and establish the number of service days in the future.

Response 228-19: Refer to Responses 228-12 for information about the number of service days included in Alternative 4. Alternative 4 also includes establishing a priority use pool, as disclosed on FEIS page 2-16. An alternative was considered but eliminated that would not limit the amount of barren core in campsites. Refer to FEIS page 2-2, #2 for information.

Response to Comments from Letter #241 (David Brown, America Outdoors Association)

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

AOA supports the issuance of 10-year term special use permits for pack and saddle stock outfitter guide services in the Pasayten and Lake Chelan-Sawtooth Wilderness areas on the Methow Valley, Tonasket and Chelan Ranger Districts. However, we oppose a limitation of 4,560 annual service days for pack and saddle stock outfitter guides, which would be divided among the outfitters, or replacements, who meet term permit requirements. We share the same concerns expressed by WOGA, that the number of service days allocated for pack and saddle stock outfitter guides in the preferred alternative is narrow and underestimates the opportunity for pack and saddle stock outfitter-guides businesses to develop a modest amount of growth.

Response 241-1: Alternative 4 was added to the FEIS in response to comments such as this. It includes 6,700 service days. Refer to FEIS beginning on page 2-15 for a description of the alternative, and an explanation of how the 6,700 service days was calculated. The impact of this alternative on the outfitters is disclosed on FEIS pages 3-19.

We oppose a 5,250 square-foot limitation for existing campsites where the existing amount of barren soil exceeds 5,250 square feet. This area is equivalent to a 70' by 75' footprint which cannot accommodate pack stock, tents and guests comfortably. This proposed confined space for campsites is a thinly veiled strategy to eliminate pack stock and their camps in the areas covered by the DEIS. The Court has rejected previous attempts to utilize management tools in the pursuit of unrealistic "wilderness purity", which would deny access to the outfitted public and specifically to those involving the use of pack stock. In a 1998 ruling in Wilderness Watch v Robertson (cited further in other section of these comments), the Court rejected the plaintiff's motion to sanction the agency for not imposing limitations on the location of outfitter camps

and stated: “Id. Thus, the statute clearly directs defendants to administer the Wilderness with an eye not only toward strict conservation, but also to ensure the “use and enjoyment of the American people.”

Response 241-2: Alternative 4 includes a forest plan amendment that would allow the outfitters to use existing barren core in established campsites, but prohibit them from creating additional barren core. Refer to the forest plan description on FEIS pages 2-17 for the amendment.

We believe the Forest Service is not taking into account the impacts of fire and other uses of the wilderness. The agency is transferring a disproportionate share of the impacts and mitigation of those impacts to special use permit holders, when in fact the largest single contribution to resource damage has been fire. The Forest Service also fails to recognize that other users contribute to the conditions in the areas covered by the DEIS, including the amount of barren soil that occurs around campsites.

Response 241-3: The impacts of wildfire are discussed on FEIS pages 3-11, 3-24, 3-33, 3-83, 3-164, 3-167, 3-172, 3-181, 3-205, 3-231, 3-254, 3-268, 3-274, 3-275, 3-276, 3-277, 3-290, 3-296, 3-300, 3-302, 3-305, 3-309, 3-312, 3-321, 3-525, and 3-376. The impacts of non-outfitters users are described throughout Chapter 3. Refer to Response 228-10 and 228-13.

1. We agree with the WOGA position that the 10 year term, special use permits should be categorically excluded from any further NEPA analysis and documentation because there are no extraordinary circumstances that exists (sic) that would lead to significant environmental impact either individually or cumulatively from issuance of the permits.

According to 36 CFR § 220.6(e), issuance of a new special use authorization for a new term to replace an existing or expired special use authorization shall be categorically excluded from any further analysis or documentation when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.

Response 241-4: Refer to Response 228-2 and 228-5.

2. While we appreciate the Forest Service’s recognition of “the need” for commercial pack and stock use, according to the DEIS (Introduction), “The current combined number of actual service days for all existing short-term permits represents around 2% of the overall outfitted and non-outfitted visitor days (defined as one person for one day) across the analysis area, and approximately 9% of all pack and saddle stock use.” Therefore, the amount of use proposed for special use permit holders is insignificant when compared to overall use and all stock and saddle stock use and some modest increase in capacity will not cause significant impacts. Furthermore (sic), given the inconsequential level of outfitted use, when compared to overall stock and other uses, we believe the Forest Service is overly sensitive to critics of outfitters and should not be jeopardizing the future of outfitting and guiding with unnecessarily burdensome documentation processes that may set a precedent for other Forests. Limiting outfitters capacity to 4,560 annual

service days for pack and saddle stock outfitter guides, which would be divided among the outfitters, or replacements, is unjustifiable given the insignificant amount of use.

Response 241-5: Refer to Response 241-1.

3. The Forest Service failed to examine the economic consequences of its actions by restricting barren soils at campsites to the 5,250 square-foot limitation in existing campsites where the existing amount of barren soil exceeds 5,250 square feet. The Forest Service failed to conduct surveys or studies of the current management regime, including continued use of existing campsites with barren soils exceeding 5,250 square feet, to serve as a basis for comparing the alternatives with the current uses. Therefore, the Forest Service should compare the projected impacts, including economic impacts of alternative management schemes, to those impacts projected for the existing management regime, including continued use of existing campsites with barren soils exceeding 5,250 square feet.

While the social and economic impacts alone may not be justification for an EIS, if an EIS is completed it must consider the overall and interrelated social or economic and natural or physical effects. Since no economic analysis was completed, the EIS is incomplete and consideration of all the effects of the proposed actions on the human environment impaired. There is a possibility that some businesses would fail as a result of the restrictions proposed on the amount of barren soil at campsites, and the agency failed analyze the economic consequences of this outcome.

Response 241-6: An economic and social analysis was added to the FEIS in response to comments on the DEIS. Refer to this section of Chapter 3, which begins on FEIS page 3-357. The environmental impacts of the current condition are disclosed in each resource section in Chapter 3 under the Affected Environment subsections. The impacts of the forest plan amendments and barren core limitations on the outfitters are disclosed beginning of FEIS page 3-17. Refer to Response 228-7.

4. We believe the Forest Service vegetative analysis is flawed and the preferred alternative is chosen as a result of grossly exaggerated impacts ascribed to pack and stock use. We believe the Draft EIS represents a bias against commercial pack and stock use by failing to recognize the impacts of other users, including livestock grazing, sheepherding, and the impacts of fire. Compared to the overall size of the area under consideration, less than ½ acre exceeds the barren soil limitation in the Pasayten Wilderness which encompasses 531,541 acres (approximately 23 billion square feet). This is an infinitesimal amount of ground and it is inconceivable that any reasonable person or professional would find this impact intolerable unless they are exercising a bias against commercial pack and stock use. Given the role of fire and the contribution of the other factors to barren soils in the areas, we believe the inordinate attention to commercial stock and pack use and the limitation on the uses are unjustifiable. We agree with the WOGA conclusion that any improvement to existing campsites in the analysis area by selection of the preferred alternative is so slight that the magnitude of difference is essentially immeasurable and insignificant. Given the size of the analysis area and the amount of permitted outfitter-guide activities, the effects of pack and saddle outfitter-guide use across the landscape are inconsequential.

Response 241-7: The findings of the environmental analysis generally support the commenter's claim that the effects of pack and saddle stock outfitter-guide activities are minor in light of the small percentage of overall use they constitute and the infrequency of the effects across the landscape. This is summarized in the Alternative Summary chart beginning on FEIS page 2-23, with supporting full analysis in the corresponding sections in Chapter 3. The Forest Plan amendment would allow for continued use; without it, it is unlikely outfitter-guides could continue to operate (see FEIS, page 2-2, #3 for rationale on why not amending the size for barren core was eliminated from detailed study). Refer to Response 10 for information about the analysis of effects of non-outfitted users.

5. The preferred alternative fails to give an opportunity for pack and saddle stock outfitter guides businesses to develop a modest amount of growth. The Forest Service failed to consider the historical impact of successive years of fire and Forest closures on outfitter operations and the impact those events had on demand for their services. Reduction in allocated capacity for pack stock outfitters could cause some outfitters to go out of business.

Response 241-8: Refer to Response 241-1.

Our position reflected in these comment on the DEIS is buttressed by a decision of the United States District Court, District of Columbia in dismissing the motion for sanctions against the Forest Service in Wilderness WATCH, et al., Plaintiffs, v. ROBERTSON, No. CIV. 92-740(TFH). We cite the following from that decision in support of our comments.

Defendants' interpretation is neither unreasonable nor at odds with the legislative intent behind the Wilderness Act. While the statute expresses a clear preference against permanent structures, it does not expressly prohibit such structures. Congress could have imposed a blanket prohibition, but did not. Instead, Congress recognized that some minor structures, including permanent ones, may be "necessary to meet minimum requirements for the administration of the area."¹⁶ U.S.C. § 1133. Even the regulations do not preclude all permanent structures; they prohibit certain major structures, and provide for approval of certain temporary structures, but do not discuss the type of unobtrusive structure involved in the present case. See 36 C.F.R. § 293.8. Thus, the statutory language leaves open the reasonable interpretation that certain limited, permanent structures may be permitted, if they are necessary for minimum administration of an area.^{FNS} This is the interpretation adopted by the Forest Service, and is also the conclusion reached by the Court in paragraph 20 of the Remedial Order.

^{FNS} *Indeed, the 1988 opinion of the Department of Agriculture's Office of General Counsel, which plaintiffs cite as restating the proper interpretation of the statute, did not counsel a prohibition against all permanent structures, but only against those that were not needed for "minimal management of the wilderness."*

**6 Not only is the Forest Service's interpretation reasonable in light of the statutory language, but it is also a reasonable means of pursuing the statutory purposes. The stated purpose of the Wilderness Act is to establish a Wilderness Protection System, and to "secure for the American people of present and future generations the benefits of an enduring resource of wilderness."¹⁶ U.S.C. § 1131(a). The statute develops that purpose further, and directs that wilderness areas be administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the*

protection of these areas, the preservation of the wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

Id. Thus, the statute clearly directs defendants to administer the Wilderness with an eye not only toward strict conservation, but also to ensure the “use and enjoyment of the American people.”

The Wilderness Act does not direct defendants to pursue a single, limited purpose, as plaintiffs suggest, but is instead requires them to serve a number of public purposes, and to foster “recreational, scenic, scientific, educational, conservation, and historical use.” 16 U.S.C. § 1133(b). For this reason, defendants' management decisions must consider all these purposes, and defendants must undertake a minimum of administration, in order to make the Wilderness accessible to those Americans who wish to use it.

Response 241-9: The comment quotes from an unrelated Court case, then represents the commenter’s interpretation of the quoted text. No specific response is needed because the comments are not directed at this specific project for issuing 10-year pack and saddle outfitter-guide permits on the Okanogan-Wenatchee National Forest.

America Outdoors Association opposes a 5,250 square-foot limitation in existing campsites where the existing amount of barren soil exceeds 5,250 square feet. If the level of existing outfitter-guide activities or size of campgrounds is reduced, the public will be denied services that are necessary for fulfillment of the recreational purposes of the Wilderness Act. AOA respectfully requests the immediate issuance and renewal of 10-year term special use permits for pack and saddle stock outfitter-guide services since the Needs Assessment and the Draft Environmental Impact Statement find that such action will have no significant environmental effect of any kind.

Response 241-10: Refer to Responses 241-2 and 228-5.

Response to Comments from Letter #249 (Conservation Northwest)

The contents of the letter are included verbatim, and shown in *italics* or **bold italics**. Responses to the comments are shown in **non-italic bold**.

I. Comments Regarding the Draft Environmental Impact Statement for the proposed Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance

Wildlife

a. How will the level of user days and party size proposed in each alternative impact grizzly bears and core habitat? Please be specific in describing how each alternative differs in terms of impact to grizzly bears.

Response 249-1: The existing condition of grizzly bears and their habitat are discussed beginning on page 3-297 in the FEIS. There would be no difference between the effects of Alternatives 2, 3, or 4.

b. A map of grizzly bear core habitat and overlap with outfitter camps is needed

Response 249-2: This map is included in the wildlife folder in the analysis file, and is available upon request.

2. Comments Regarding Impacts to Riparian Area and Aquatic Species

a. Will the large party size and the barren ground allowance at campsites lead to siltation of streams? Will resulting heavy trail use lead to siltation of streams? How will stream siltation affect threatened and endangered fisheries, including bull trout?

Response 249-3: Sedimentation (siltation) is discussed in the Hydrology and Aquatic Resource sections in Chapter 3. The Hydrology Section, on FEIS page 3-176 states that there would be a slight increase in sedimentation, but it would not be detectable compared to ongoing channel and hill slope erosion, except at the point of disturbance. The analysis further states that there would be no detectable difference in stream sedimentation between alternatives. In the Aquatic Resource section, beginning on FEIS page 3-182, sediment is discussed. Field surveys found that the fine sediment levels appear to be low and properly functioning. Bull trout and other listed fish species are discussed beginning on FEIS page 3-195. The effects of current outfitter-guide use on streams and lakes are discussed beginning on FEIS page 3-201. In summary, some bank trampling and negative impacts are occurring, however the impacts are minimal and represent only a small portion of the resource across the analysis area. The effects to bull trout are disclosed on FEIS page 3-219.

b. The Environmental Consequences section in Chapter 3 (page 3-184 onward) is inadequate in describing how Alternatives 2 and 3 differ in terms of their respective impacts to water quality and sensitive species. In lumping the two alternatives together, the DEIS leaves it unclear whether there are differences between Alternative 2 and 3 and whether one or the other will cause a net loss of habitat for Threatened and Endangered fisheries such as bull trout, Methow steelhead and Methow Spring Chinook. For example rather than spelling out the specific and respective differences in amount and scale of impact that Alternative 2 and 3 would have on bull trout habitat in the Lost River and Wolf Creek areas, the section simply glosses the issue over by saying "These alternatives [1 & 2] would have a "May Affect, Not Likely to Adversely Affect" to bull trout because of possibility of minor impacts to bull trout habitat in the Lost River and Wolf Creek areas." Specifically, what component of each Alternative will cause such an impact? How do Alternatives 2 and 3 differ in terms of how each "May Affect, Not Likely to Adversely Affect" bull trout? What will the differences between 2 and 3 be, in terms of impact to bull trout?

Response 249-4: The effects of Alternatives 2, 3 and 4 on threatened and endangered fish species are discussed beginning on FEIS page 3-219. Information on specific effects to the Lost and Wolf Creek populations was given on page 3-185 of the DEIS and was expanded in the FEIS (including disclosure of the effects of Alternative 4) on pages 3-214 through 3-216.

c. We question the conclusion that Aquatic Conservation Strategy (ACS) objective numbers 1 and 5 are being met, to "1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which

species, populations and communities are uniquely adapted”, and to, “5. Maintain and restore the sediment regime under which aquatic ecosystems evolved.”

Response 249-5: The rationale for finding of consistency with the Aquatic Conservation Strategy is on FEIS beginning on page 3-227.

d. The EIS incorrectly assumes under ACS objective number 1 that trail crossings are not contiguous with the landscape protected by the ACS. Within the Pasayten Wilderness, the Methow River system has four reaches with endangered fisheries that are all currently at-risk due to pre-existing sedimentation. Because of this sedimentation, projects that cause a net increase in sedimentation are not permitted. In order to be consistent with the ACS, this proposal would need to demonstrate it would result in a net decrease of sedimentation in those stream reaches. This was not done in the EIS. These reaches are the Lost River up to Hidden Lakes (9 miles), Lake Creek (5.5 miles within Wilderness, and an additional 3 miles downstream from the Wilderness, Andrews Creek (about 12 mile in Wilderness), and the Upper Chewuch River (over 3 miles in Wilderness). These stocks occur on stream reaches that are directly contiguous with existing trail crossings.

Response 249-6: The DEIS/FEIS does not state “that trail crossings are not contiguous with the landscape protected by the ACS”. The FEIS states, on page 3-288, “areas are not continuous and are less than 1% of riparian areas across the landscape.” This is referring to the fact that the few sites where trails cross streams are dispersed across the project area and not continuous or clumped together. Trail crossings are all within riparian reserves, and therefore within the management area covered by the Aquatic Conservation Strategy. Trail crossings are discussed in the FEIS on pages 3-136, 3-62, 3-174, 3-177, 3-178, 3-179, 3-181, 3-188, 3-189, 3-205, 3-216, 3-221, 3-281, 3-282, 3-283, 3-284, 3-291, 3-312, 3-350, 3-380, and 3-381.

There are both threatened and endangered (ESA) fish species and their critical habitat within the Pasayten Wilderness. Bull trout and its habitat is the most common ESA fish species in the Pasayten Wilderness. Endangered spring Chinook and threatened steelhead fish are present on the upper Chewuch River, Lake Creek, and lower Lost River. Critical habitat conditions within the wilderness are essentially in pristine condition. Fine sediment levels are mostly low and considered excellent. Some areas burned in the last 11 years had large increases in fine sediment, but they were natural disturbances and habitat conditions have improved. A minor increase in fine sediment associated with pack and saddle stock activities would not cause conditions to trend towards “at-risk” conditions. Refer to FEIS beginning on page 3-195 for endangered species and critical habitat analysis.

The Aquatic Conservation Strategy does not state that projects that cause a net increase in sediment are not permitted. Rather, it states that projects must “maintain and restore the sediment regime under which aquatic ecosystems evolved” (ACS Objective 5). All alternatives would comply with the Aquatic Conservation Strategy objectives, as disclosed beginning on FEIS page 3-227. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.” Projects that have a slight habitat impact (small increase in fine sediment), but that are immeasurable and inconsequential and do not degrade habitat, are still consistent with ACS. The ACS

acknowledges natural disturbances occur and stream conditions are not always in pristine condition. The amount of sediment delivered into streams at trail crossings would be minor and inconsequential, as described on FEIS page 3-231. This amount of sediment would be well within the natural sediment regime in streams and rivers. The existing excellent habitat conditions would continue.

e. ACS objective 3 to, "Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations." is not met in campgrounds adjacent to fisheries as indicated by the conclusion in Appendix I that, "some bank trampling and negative impacts are anticipated in these areas; however it would be minimal and represents a small portion of the resources across the project area." The criteria for meeting the ACS is whether there is a net increase in sedimentation due to the proposal, not whether there is only minimal sedimentation.

Response 249-7: As explained in Response 249-6, the Aquatic Conservation Strategy does not state that there can be no net increase in sedimentation. The FEIS disclosed that some bank trampling would occur where campsites are in riparian areas, but it would be too small to affect the existing high quality bank stability and bank condition. Refer to FEIS page 3-228 for the discussion of compliance with ACS objective 3.

f. The EIS should have considered net sedimentation increase rather than total sedimentation to base the analysis of impacts on. The GIS analysis is modeled data that does not contradict actual data showing problem stream crossings. Sedimentation should be based on changes to sedimentation during peak events, rather than area. The conclusion in Appendix I that, "1.3 miles total of bank disturbance out of the 2,609 miles total or less than 0.001% disturbance" did not describe what the net impacts to sedimentation would be, and the modeled data do not account for problem trails like the upper Chewuch Trail that was formerly used as a stock driveway and are essentially rivers of mud for the entire length during snowmelt. The analysis used a model that there would be only ten feet of disturbance within 100 feet of streams, when in actuality sedimentation will travel miles downstream from a source. The project needs to develop an alternative that will satisfy ACS objectives to maintain no net increase in sedimentation.

Response 249-8: All alternatives comply with the ACS. Refer to Response 249-6. The analysis of sediment delivery and impacts of campsites to stream and river banks was expanded in the FEIS. Streambanks are discussed on beginning on FEIS pages 3-188 and 3-351, and lake banks beginning on FEIS page 3-191. As stated in Response 249-6, the ACS objectives do not state that projects result in no net increase in sedimentation. Rather, it states that any changes must maintain existing sediment regimes or improve them. Small fine sediment increases that are immeasurable and inconsequential would not constitute a change to an existing sediment regime, such as the case with the proposed action and alternatives.

g. Bull trout are very sensitive to sedimentation and they occur in Black Lake and in Hidden Lakes. To meet ACS objectives, campsites should not contribute to sedimentation to those lakes or downstream habitats.

Response 249-9: The impacts to bull trout are disclosed in the FEIS on beginning on page 3-195.

h. Bull trout recovery in Black Lake needs to be assured by posting signage, near the south end of the lake, that reminds users that horse camping is not allowed within 200 feet of the lake, and educates anglers about potential incidental catch.

Response 249-10: These actions are outside the scope of this analysis. The pack and saddle stock outfitter-guides would have little impact to Black Lake. They would be limited to drop camps (no overnight stock), and not be allowed to take clients to the lake on weekends or holidays between Memorial Day and Labor Day. Restricting outfitters to drop camps would minimize the amount of soil disturbance and vegetation trampling by stock. Not allowing outfitter-guide trips on weekends or holidays would reduce the number of people at the lake during the busiest times, therefore reducing cumulative effects of outfitted clients and non-outfitted recreationists.

i. Under ACS objective no. 5, the EIS assumes that hobbling will prevent horses from accessing lakeshores, however, livestock can circumvent hobbling. Corralling is also assumed to be sufficient mitigation without considering that some existing corrals overlap water sources where there can be sedimentation and fecal coliform transport. Even upland corrals can become sediment sources because the forage availability of some sites is limited and overgrazing can lead to the creation of temporary channels that become sedimentation sources during precipitation events and snowmelt.

Response 249-11: The FEIS discloses that loose grazing stock may access lakeshores, but concludes that impacts would be minor because loose grazing disperses effects and results in minor impacts to aquatic resources (FEIS page 3-202). In addition, stock do not tend to stay near lakes if they do access them for water because the preferred grazing species are located in upland, dry slopes. The corrals at Andrews and Billygoat are described on FEIS pages 3-206 and 3-207.

Mitigation measure 8i on FEIS page 2-23 requires stock containment areas within camps to be located at least 200 feet from lakeshores. Water quality is discussed beginning on FEIS page 3-170. Sediment levels are discussed in the Hydrology section on beginning on FEIS page 3-171, and in the Aquatics section beginning on FEIS page 3-190. Fecal coliform is discussed beginning on FEIS page 3-173.

j. ACS objective number 4, to “Maintain and restore water quality ...”, does not appear to be met by the statement that, fecal matter entering streams “would be quickly diluted and not detectable”. Washington stream data was presented to substantiate this claim, however, it is dubious that coliform measurements were made within the Wilderness, since this data is typically only collected when violations are reported. Abundant data is available to show that streams across the west contribute to microbial diseases that are transmitted to stock and humans. Giardia, for example, has become widespread and it can cause disease symptoms in humans and a diverse number of other animals including dogs and wildlife. The suggestion to use education materials is a good one, and these materials should include signage at trailheads and along lakes with bull trout.

Response 249-12: This analysis was revised in the FEIS to include a more thorough disclosure of water quality, including fecal coliform levels. Refer to FEIS page 3-173 for this information. Refer to response 179-230.

k. The response to ACS Objective 7 incorrectly states that there is no change to the speed of melt-off. For instance, in one allotment, there is insufficient forage and this has resulted in the creation of bare areas that move sediment during snowmelt.

Response 249-13: The commenter is correct in that the DEIS stated there would be no change to snow melt or run off, and this is included in the FEIS on pages 3-170 and 3-232, however the comment about one allotment with insufficient forage and bare area does not pertain to this analysis. The project does not have allotments.

l. Some wetlands should be excluded from grazing to allow recovery of the native vegetation. In some wetlands, active restoration should be undertaken, for instance in the Rimmel Lake and Corral Lake area, that have past impacts that continue to get worse. Wetlands that contain earth hummocks adjacent to Rimmel Lake have resulted in habitat loss for inky Gentian, leading to a trend toward uplisting of the species, in contradiction to ACS objective 8. The EIS response to ACS objective 8 that 98.6% of wetlands are over 500 feet from established campsites is misleading and does not meet ACS objectives. The EIS should focus on areas needing restoration rather than attempting to divert attention away from problem areas caused by the very activities proposed for expansion. We are happy to hear that most wetlands are pristine, but we are interested in learning how problem areas such as Rimmel Lake and Corral Lake will be addressed.

Response 249-14: Restoration activities are discussed in the FEIS on page Appendix F-3. The effects of these are part of the cumulative effects analysis in each resource section of Chapter 3. Restoration of existing impacts is outside the scope of this analysis and purpose and need, therefore is not specifically discussed or analyzed for direct or indirect effects. The impacts of the proposed action and alternatives to wetlands are disclosed in the Botany section, beginning on FEIS pages 3-261. The vast majority of wetlands across the analysis area unaffected by pack and saddle stock outfitter-guide activities. The cumulative effect of past, present, and reasonably foreseeable future actions is an improving trend in wetland condition, as discussed on FEIS pages 3-270. The analysis of hummocks, which are not wetland features, begins in on FEIS pages 3-241. See Response 179-186.

3. Comments Regarding the Stated Objectives of Alternative 1

Eliminate pack and saddle stock outfitter-guide recreation use within the analysis area.

a. The no-action alternative of canceling all permits is unreasonable and not a productive alternative. Why isn't there a No-Action Alternative that mirrors current use and management, both as a tool against which to measure the other alternatives, and as an option which would provide a continuation of current levels of use?

Response 249-15: Although the Council on Environmental Quality (CEQ), in its 40 Most Asked Questions, defines the "no action" alternative in two different ways, both "no change" and "no project," it is clear that for this project, no-action means no project. As CEQ discusses:

The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed.

That is not the case with this project. All of the Pack and Saddle Stock Outfitter-Guides are operating under one-year Special Use Permits that expire on March 31, 2011, and none of them has ever held a ten-year permit, nor do they have any "vested rights." Their current permits contain language in Sections I.C. and I.D. that makes this clear:

This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of this permit...The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service.

Section III "Rights and Liabilities," part A of these permits further specifically states that "This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license."

Alternative 2 most closely mirrors current use and management. The current use and management does not meet current Forest Plan standards and guidelines. Alternatives that would not amend the forest plans were considered but eliminated. Refer to FEIS pages 2-2 and 2-3, eliminated alternatives #3 and 4.

4. Comments Regarding the Stated Objectives of Alternative 2

Amend the Okanogan and Wenatchee Forest Plans to make outfitter-guide campsite condition standards and guidelines consistent with established party size standards, while managing the Wilderness Areas to maintain wilderness character.

a. The amount of barren ground currently occurring at campsites is very troubling and the proposal to expand the amount allowed is troubling.

Response 249-16: The existing condition of campsites, specifically the amount of barren core is disclosed in the FEIS beginning on page 3-186. Refer to Response 228-8 for information on the impacts to wilderness character. As explained in the purpose and need (FEIS, page 1-18) the party size and barren core Forest Plan standards and guidelines are inconsistent. Alternative 2 and 4 keep the party size, and expand the barren core; Alternative 3 reduces party size, but still includes an amendment for barren core, because 400 square feet was too restrictive for any outfitter-guide operations (refer to FEIS page 2-2, Alternatives Considered But Eliminated, #2).

Provide enough service days in the Pasayten and Lake Chelan-Sawtooth wildernesses to meet the minimum extent necessary to provide commercial services for wilderness appropriate activities.
a. Please see our comments regarding the Needs Assessment

Response 249-17: Noted. See Response 249-19.

Establish a number of service days that will follow handbook direction and sustain the highest amount of used service days over the past five years and create a pool of days that will give an opportunity for pack and saddle stock outfitter-guides businesses to develop a modest amount of growth (25%).

a. The 25% growth component is vague and not explained. What factors led to this number being proposed? Why is it not included in figures that depict and/or compare alternatives (i.e. figures 2-1, 2-3, 3.1-7, etc)? How will 25% growth impact the environment, (please include discussion of this when discussing the affected environment and environmental consequences)? Over what time period would 25% growth be permitted?

Response 249-18: As stated on FEIS page 2-9, one of the objectives of Alternative 2 is to follow handbook direction by allocating each outfitter their highest amount of actual use service days over the past 5 years plus 25% to allow for modest growth. The number of service days included in Alternative 2, 4,620, is the collective total of the highest actual use between 2004 and 2009 plus 25%. The number of service days in Alternative 4 was calculated using the collective total of the highest actual use between 1999 and 2009, plus 25%. When the 10-year permits are issued, the number of service days allocated to each outfitter would be determined by adding the highest actual use in the past 5 years, plus 25%. Any unallocated service days would be held in pool for outfitters to access on a year-to-year basis if and when demand exceeds individually allocated service days. The number of allocated service days would be adjusted at the 5-year mark in the 10-year permits using the same technique, without exceeding the total number authorized by the Record of Decision. The environmental impacts of all alternatives are included in Chapter 3.

b. If the total number of service days calculated in the Needs Assessment already include growth allowances, then why is an additional 25% being proposed?

Response 249-19: The minimum extent necessary determined in the Needs Assessment is based on past service days, and projections in increases in overall recreation use in the Pasayten and Lake Chelan-Sawtooth wilderness areas. This analysis process is separate from the handbook direction that determines the number of service days to assign to a particular outfitter (which includes the 25%). The minimum extent necessary was used to identify a range of service days in the Pasayten and Lake Chelan-Sawtooth wilderness areas. Refer to the 2012 Needs Assessment for a full disclosure of the determination process. This is different than the 25% increase over actual use days used as the basis for Alternatives 2 and 4. Refer to Response 249-18 for a description the service day calculation included in Alternatives 2 and 4.

c. Given that use has been low and declining in recent years and that user levels proposed in Alternative 2 are more than double actual use in 2009, why is the 25% growth provision necessary?

Response 249-20: The number of service days varies from year-to-year and from outfitter-to-outfitter. The handbook direction to assign the highest amount of actual use over the past five years is a better reflection of the business potential and established client base for an outfitter. The total number of highest actual use service days from 2004 and 2009 for all the existing pack and saddle stock outfitters during that period of time was approximately 3,300. Adding 25% to this increases the service days to 4,620 for Alternative 2.

d. It is not clear that Alternative 2 actually proposes to “establish a number of service days that will ...sustain the highest amount of used service days over the past five years”. Alternative 2 is based on Needs Assessment calculations that appear to be based on figures from a 2005 survey to calculate the minimum service days. Regardless of the calculations that went into the number of user days proposed, the number of service days being proposed in Alternative 2 is much higher than the highest in the past five years. If one of the objectives of Alternative 2 is to “sustain the highest amount of used service days over the past five years”, then why is the number of service days proposed much greater than the actual highest number of service days used over the past five years?

Response 249-21: Refer to Responses 249-18, 249-19, and 249-20.

5. Comments Regarding the Stated Objectives of Alternative 3

Amend the Okanogan and Wenatchee Forest Plans to reduce the party size for outfitter-guides and make allowed campsite conditions compatible with party size.

a. Given that there is currently extensive damage to many campsites that is in gross excess of the current limit of 400 square feet, and that calculations indicate that a large party size necessitates large bare areas, limiting party size seems to be a very reasonable objective that will protect wildlife habitat.

Response 249-22: Noted.

b. Limiting party size will enable the amount of allowable bare ground to be 2800 square feet, which is more appropriate than the 5250 square feet limit proposed in Alternative 2.

Response 249-23: Noted.

Keep number of service days allocated to pack and saddle stock outfitter-guides below the minimum extent necessary for commercial services in wilderness.

a. It seems odd that this is presented as an objective. Is “Keep[ing the] number of service days allocated to pack and saddle stock outfitter-guides below the minimum extent necessary for commercial services in wilderness” an objective of Alternative 3?

Response 249-24: The theme of Alternative 3 is to reduce service days and party size. Refer to FEIS page 2-12, which is a revision to the description of Alternative 3 in the DEIS.

By reducing the number of service days, concerns addressed during scoping about any commercial activities in wilderness are partially addressed.

Reduce the number of service days to address concerns about water quality, wilderness, riparian habitat, wildlife, wetlands, and native plant species.

a. It is unclear what the ramifications of this objective are because it is unclear how the Forest Service defines and calculates the current number of service days, what that number is, and what the current limit is.

Response 249-25: Refer to Response 179-52 for an explanation of how the current number of service days was determined.

Establish a number that equals the average number of used service days over the past five years, but does not allow for any increase or growth of existing outfitters.

a. It is not clear that the Needs Assessment calculations are based on the average number of used service days over the past five years.

Response 249-26: Refer to 179-56 for a discussion of how the minimum extent necessary was calculated.

b. The numbers proposed in Alternative 3 do not equal the average number of used service days over the past five years. According to data in the Needs Assessment, the average in the Pasayten was 928 and in the Lake Chelan-Sawtooth was 328, while Alternative 3 proposes 1000 and 320, respectively. The 1000 figure would allow for some growth.

Response 249-27: The objectives for Alternative 3 were updated in the FEIS to make it clear that one of the objectives was to reduce service days to address environmental concerns raised during scoping. Refer to FEIS page 2-12. The total number of service days in Alternative 3 (2,660) was calculated by averaging the total amount of actual use 2004 and 2009, and adding 25%. This total number was divided proportionally between the various sub-units in the permit areas (analysis area) to distribute use roughly equal to past distribution. Detailed calculations are included in the analysis file.

c. Why are these two objectives lumped together? Alternative 2 increases the number of service days immediately, would allow a 5% increase by 2020 and allows for an additional 25% growth above that. But Alternative 3 limits current use and has few growth provisions.

Response 249-28: The description of the increases included in Alternative 2 is incorrect. As stated earlier, the number of service days in Alternative 2 includes the 25% increase over the actual use levels between 2004 and 2009. The commenter's reference to another 5% and 25% increase is most likely referring to the minimum extent necessary determination in the 2010 Needs Assessment, where a 5% projected increase in pack and saddle stock use predicted by the Interagency Committee on Outdoor Recreation was used in the calculation of minimum extent necessary. The prediction was updated, and also used in the 2012 Needs Assessment. Refer to the 2012 Needs Assessment in Appendix B of the FEIS for the complete calculations.

These are two distinct calculation processes – one in determining the minimum extent necessary, and the other in applying the handbook direction to determine service day allocations in special use permits. Alternative 2 does not allow a 5% increase until 2020, adding 25% to that. It adds 25% to the actual use between 2004 and 2009. Alternative 3 uses the average actual use, with no increase for growth, as explained in Response 249-27. Also refer to Responses 249-18 and 249-19.

d. Could there be a reasonable alternative; one which proposed continuation of current levels of use and a reasonable amount of growth?

Response 249-29: Alternative 2 is structured to allow for current levels of use, increased by 25% to allow for a reasonable amount of growth. Refer to Response 19 and Response 179-52.

6. Comments Regarding the Proposals to Amend the Forest Plan

a. Both proposed amendments to increase the amount of allowable barren core are troubling. The fact that many camp sites currently have so much barren ground is troubling, especially considering that current forest plans have much lower limits. The calculations that indicate 5,250 square feet is necessary for a party size of 12 people and 18 stock is an indication that party size may be inappropriately large for this ecosystem. How would each amendment “avoid degradation of wilderness conditions” and how well does each amendment accomplish this?

Response 249-30: As discussed throughout the document, grazing and recreation activities prior to wilderness designation created nearly all the campsites with barren cores in excess of forest plan standards. The forest plan amendments in Alternatives 2 and 3 would not allow the existing amount of barren core in campsites with less than 5,250 square feet or 2,800 square feet respectively to increase. In camps with more than these amounts of barren core, outfitter would use the same area of barren core on each visit, allowing the excess barren core to be restored. This will slightly reduce the amount of barren core across the wilderness areas over time, avoiding degradation of wilderness conditions. Refer to Response 228-11.

b. If “effects of outfitted verses non-outfitted recreationists are virtually impossible to differentiate” (p3-14) then why would the proposed amendments to expand the allowable amount of barren ground at campsites be limited to outfitter pack and saddle stock guide campsites?

Response 249-31: The purpose and need for the proposed action of issuing 10-year outfitter-guide permits was to respond to special use permit applications while protecting wilderness character and providing the minimum extent necessary for pack and saddle stock outfitter guides, and amend the forest plans to so campsite barren core allowances were compatible with the party size for pack and saddle stock outfitter guides. Expanding the forest plan amendments to include all users was outside the scope of the analysis. Refer to FEIS page 1-30, Eliminated Issue #16.

c. The proposed amendment to reduce party size appears to be a good idea given that many camp sites have amounts of barren ground that exceed Forest Plan limits.

Response 249-32: The reduced party size amendment is part of Alternative 3.

7. Comments Regarding the Proposal to Increase Bare Ground

a. How much bare ground is allowed in other federally designated Wilderness areas? How does this compare with the amount of barren ground allowed under each alternative?

Response 249-33: Limitations on barren core or bare ground in wilderness are handled in a variety of ways across the country. What is consistent is that each wilderness area is managed with a non-degradation policy. Most forests in Region 6 specify a range of 250 to 1,000 square feet of vegetation loss or bare mineral soil depending on the Wilderness Recreation Opportunity Spectrum.

b. Will there be an effort to restore vegetation in barren ground areas to prevent invasive species and erosion?

Response 249-34: Yes. The Forest Service will continue work to restore excess barren ground in large campsites, or close and completely restore campsites that are causing unacceptable resource damage. Past and reasonably foreseeable future restoration activities are listed on FEIS page 3-81 and in Appendix F.

8. Comments Regarding Camps

a. Why did the alternatives not consider moving campsites on a regular basis to avoid exceeding bare ground standards, relocating campsites to drier lodgepole forests; and relocating campsites to areas where horses have more room to forage, including areas outside of wilderness such as the upper Twisp River?

Response 249-35: This alternative was considered but eliminated, as disclosed on FEIS page 2-7, #25. Moving campsites periodically to allow established campsites to recover leads to wilderness degradation over time. Vegetation grows slowly in the high elevation wilderness areas, and abandoned campsites are commonly used by non-outfitted parties, so new vegetation does not re-establish. The end product is two campsites where there used to be one, and cumulative degradation of wilderness character.

Relocating campsites to drier ecosystems would not be practical. Campsites are located at desired destinations, so if these drier ecosystems are not in the vicinity of the desired destinations, moving campsites to the ecosystem will not work. Also, campsites in drier ecosystems take longer to restore than campsites in moist ecosystems because the vegetation grows much faster in wet areas compared to dry areas. The only effective way to stop use of an established campsite is for it to become completely re-vegetated so people looking for a campsite don't even see the old camp. Established campsites in dry ecosystems tend to remain visible for decades, so use continues.

The land outside the wilderness boundary in the Twisp River is a narrow band of steep, forested slopes with the Twisp River riparian area and the Twisp River Road running through the middle. Campsites along this road would not provide the backcountry experience the outfitters currently offer, nor would campsites outside of wilderness

address the necessity for a minimum amount of outfitter-guide services inside wilderness as defined in the Needs Assessment.

b. Assigned camps are a good idea because it will help ensure accountability.

Response 249-36: Assigned camps are designated in every alternative.

c. Too few measures are proposed to protect sensitive areas and wetlands. While in CH3 it states “Specifically, measures included in numbers 3, 5, and 8, beginning on page 2-10, would mitigate potential effects to sensitive species and wetland habitat.” (p-3-109-3-110), there are no specific measures that specifically address wetland damage that is occurring at Bald Mountain Camp and Beaver Creek Camp.

Response 249-37: Refer to Responses 179-131 and 179- 145 for information about the Bald Mountain Camp. Also refer to Response 179-28 for information about the analysis of all assigned sites, including Beaver Creek camp. Response 179-185 includes information about the wetlands analysis, and 179-266 about sensitive plants. Wetlands analysis on pages 3-260, 3-263, and 3-266 of the FEIS shows that impacts are acceptable.

d. It is troubling that Bald Mountain Camp is being proposed as an assigned camp, given the impacts to C. heteroneura var. epapillosa and the impacts to wetlands. The details of implementing the mitigation measures (listed in Ch 2) are not clear enough to provide certainty that the damage that is occurring now at Bald Mt will cease, or that we agree with the assumption that creating a new camp would be more impactful. The following quotes from the DEIS are quite troubling: I. “The C. heteroneura var. epapillosa site near the Bald Mountain camp is part of the regular grazing area used with this full-service assigned campsite. This area is not the primary graze area but one that is used for short visits with few animals or when animals are not turned out overnight and the outfitter wants to keep them close to camp. The long-term viability of the population is unknown.” II. (P3-100) “This campsite is problematic in its location given the extensive wetlands associated with it and the fact the horses have to travel through these wetlands to reach suitable graze. Moving camp is a last resort as the large barren core area required to accommodate the level of use associated with this assigned site would be re-established in another place.” (p. 3-100)

Response 249-38: The description of the Bald Mountain camp and impacts to nearby wetlands were updated in the FEIS using new monitoring information. The first quote from the DEIS was an unclear statement. It was referring to the unknown viability of the population near the Bald Mountain camp, not the special viability as a whole. In regards to the quote about the Bald Mountain camp being “problematic”, further analysis of the wetland near the Bald Mountain camp determined that the impacts to the wetland habitat and species there are in fact inconsequential to overall wetland habitat and species viability because the vast majority of habitat is unaffected by outfitter-guide activities. Refer to FEIS page 3-248 for the description of the Bald Mountain Camp. Refer to Responses 179-131 and 179-145 for information about the Bald Mountain Camp.

e. At Beaver Creek Camp there needs to be more done to protect the wetland and plants such as C. saxatilis v. major and Gentiana glauca: “On the south side of the camp, within 100’ of the tent site, there is a small wetland surrounded by hummocks. Both C. saxatilis v. major and Gentiana

glauca are found growing here. This site is also being regularly trampled by stock mingling around camp. The integrity of the habitat and vigor of these populations of sensitive plants are being compromised by this use. There is a possibility that the populations near camp will disappear if use continues unchanged." P3-101

Response 249-39: Refer to Response 179-266 for information on the sensitive plant analysis. Additional field data was gathered after the DEIS was published to assess the hummock area near the Beaver Creek Camp. The DEIS incorrectly stated that *C. saxatilis* is present in this wetland. The updated field data showed that the outfitted stock do not regularly mingle around the camp in this wetland. The area has been grazed by commercial and recreational livestock since the early 1990s, and despite this, the sensitive plant populations are still viable and hummock structures are still functioning. The pack and saddle stock outfitter guide activities are not impacting the species viability of *Gentiana glauca* nor causing unacceptable impacts to the hummocks. The stock are loose grazed around this camp, and therefore do not stay in the wetland or hummock area because their preferred forage species do not grow there.

The impact on sensitive plants is disclosed on DEIS pages 3-107, 3-109 through 110, and 3-112 through 113 and disclosed on FEIS pages 3-245 through 3-253 and 3-258. While some populations or individuals may be trampled or lost, sensitive plant resources as a whole are expected to continue to improve. The decreased number of grazing stock (compared to the numbers grazed when the livestock grazing permits were active) and the small isolated areas where stock use occurs would not impact species viability or lead to further listing of any sensitive species present.

*f. Are the corrals that were built at Fish Creek Camp to protect *Githopsis specuarioides* from stock but which burned in the 2001 Rex Creek fire, going to be rebuilt? If not, how with *Githopsis specuarioides* be protected? (p 3-103 to 3-104)*

Response 249-40: This species was included in the DEIS because it is on the State Sensitive Species list. It is not on the Regional Forester's Sensitive Species list, and is not a Survey and Manage species, therefore the Forest Service is not required to manage known sites.

9. Comments Regarding Party Size

*a. What is the total party size allowed in Alternative 2? Alternative 3 has the party size stated very clearly (e.g. "Pack and saddle stock outfitter-guides shall have a maximum party size of 12 (combination of people and stock)."*p2-7).

Response 249-41: The current forest plan standards and guidelines for party size, 12 people and 18 head of stock, would apply to Alternative 2. Refer to Figure 2-4 on FEIS page 2-31.

b. What party sizes are allowed in other federally designated wilderness areas? How do those sizes compare with the proposals in this does DEIS?

Response 249-42: The other wilderness areas managed by the Okanogan-Wenatchee National Forest have a party size of 12 heartbeats. Information about all Forest Service managed wildernesses is available on www.wilderness.net, or by contacting Forest Service offices.

c. Are some outfitters currently circumventing party size rules by running additional pack strings that travel separately from the group but support said group? How does each alternative address the issue of outfitters using additional pack strings (beyond party size) to service a given group? If extra pack strings are used will they be counted as part of the total party size? Will this be documented? How will such issues be enforced?

Response 249-43: The party size limitations apply to groups traveling on trails or camped. There are no restrictions on separate pack strings being used to access campsites or transport supplies beyond the restriction that there cannot be more than 12 people and 18 head of stock in a campsite at one time, and that the pack strings cannot be closer than one-mile apart on trails (as per enforcement plan 36 CFR 261.58(f), included in the analysis file).

10. General Comments

d. In figure 2-3 (p. 2-17) the existing total number of service days is listed as 4083, how was this number calculated? Pack and saddle stock outfitter user days have been highly variable and declining, so the existing level of use would be dramatically different depending on which year's data point is used. What were the specific numbers from the wilderness areas used to calculate "existing" total number of service days listed in figure 2-3?

Response 249-44: Refer to Response 179-52. The method used to calculate the current number of service days is disclosed on FEIS pages 3-30 and 3-109. Also refer to Response 179-54.

e. Why is weed free hay "encouraged", not required, for several days prior to trip departure?

Response 249-45: This mitigation measure follows 36 CFR 261.58(t), which does not require feeding weed-free feed, and therefore is not a requirement for the outfitter-guides, rather a suggested way to reduce introduction of invasive plants. This mitigation measure would help minimize the potential establishment and spread of noxious weeds. Refer to FEIS page 3-333.

*f. In the Final EIS, we hope the Forest Service will strive to present the various alternatives in a similar manner and portray them in a balanced manner: a. For example, Alternative 2, which would result in increased use is presented as: "**Opportunities for solitude would have minor, localized, negative impacts** due to the increase in pack and saddle stock users. " Meanwhile, Alternative 3, which would result in less of an increase is presented more harshly: "**Opportunities for solitude would [be] negatively impacted**, but these impacts would be localized and minor."(sic, p2-19, emphasis added.)*

Response 249-46: The Wilderness analysis was revised in response to public comments on the DEIS. The effects of the alternatives on the opportunities for solitude are in the

FEIS on pages 3-36 through 3-52, 3-62 through 3-64, 3-70 through 3-73, 3-74 through 3-77, and 3-78 through 3-80.

b. In another example, under Alt 1, “The elimination of pack and saddle stock outfitter-guides would reduce use at some existing sites, and lead to some natural restoration of barren core areas not used by the non-outfitted pack and saddle stock parties.” Meanwhile, under alternatives 2&3, although there will be much more use at the respective camps, and no active restoration is proposed, the barren ground issue is presented more positively: “Forest Plan amendments would limit the amount of barren core outfitters can use, **allowing natural restoration to occur in camps** with existing barren cores exceeding 5,250 {or 2800} square feet.”(p-2-20, emphasis added).

Response 249-47: The commenter’s quotes are from Figure 2-4: Comparison of Alternatives. As stated on FEIS page 2-31, the statements in this figure are summaries of the full analysis provided in Chapter 3. Refer to FEIS pages 3-62 through 3-64, 3-70 through 3-73, 3-74 through 3-77, and 3-78 through 3-80 for the full analysis of the effects of the alternatives on campsite condition and opportunities for solitude.

g. The EIS itself proposes an excellent wilderness protection measure to create a pool of extra use-days, which would be a good idea if used to help reduce impacts, but instead this pool is used to propose increasing impacts by another 25%.

Response 249-48: As explained earlier, the number of days included in Alternative 2 includes the 25% increase. Service days would be allotted to individual outfitters based on their highest use year in the past 5 years (excluding years when circumstances – such as wildfires or road closures – caused a decrease in actual use). The remaining service days would be kept in a pool that could be accessed by any priority use pack and saddle stock outfitter-guide, returning to the pool each year. The number of priority use service days would be adjusted after the first five years on the ten-year permits, resetting the number of allocated days to the highest in the previous five years. The total number of service days (allotted service plus pool) that would be available in each area is listed in Figures 2-1, 2-2, and 2-3. The environmental analysis was conducted conservatively assuming that the total number of days would be used, and therefore the maximum impacts are disclosed.

II. Comments Regarding the Determination of Need and Extent Necessary for Commercial Services (Outfitters and Guides) in the Pasayten Wilderness and Lake Chelan-Sawtooth Wilderness

The “Determination of Need and Extent Necessary for Commercial Services (Outfitters and Guides) in the Pasayten Wilderness and Lake Chelan-Sawtooth Wilderness” is used as a bases in the DEIS to determine the level of outfitter services that will be recommended. This section of our comments concerns the July 2010 document and we refer to it as the “Needs Assessment”. While the Needs Assessment covers both outfitting and guiding for hiking/backpacking and for pack and stock, our comments only address the latter because we are commenting on the Pack and Saddle Stock Outfitter Guide Permit DEIS.

1. Errors and/or Confusing Presentation of Data

The Needs Assessment presents conflicting figures on what percent of combined number of visitor days are outfitter-guide service days. (i.e. on p. 5, the Needs Assessment says the combined number of service days is approximately 8% of overall use in the Pasayten and 4% in the Lake Chelan-Sawtooth, while Fig. 1 depicts the combined total as 7%, and Fig. 4 as 1% for the respective areas.)

Response 249-49: The revised 2012 Needs Assessment corrects errors in the 2010 version, and makes this information clear (see Appendix B). Outfitter-guide service days (including all outfitter-guides operating in the wilderness areas) are 26% of the use in the Pasayten and 6% of the use in the Lake Chelan-Sawtooth. The figures on pages Appendix B-10 and B-13 of the 2012 Needs Assessment show these in table form.

2. Downward Trend in Pack and Saddle Stock Service Days

*In the Pasayten Wilderness, the Needs Assessment points out that “There is an overall downward trend in the number of service days the existing outfitters are providing” (p. 8). This is particularly true for pack and saddle stock users in the Pasayten. In the Lake Chelan Sawtooth, the trend for combined service days is “U” shaped, but the trend for just pack and saddle stock users is generally downward, although it spikes in 2002, 2003 and 2005 in what appear to be users choosing the Chelan-Sawtooth over the Pasayten in those years. While there are factors that are undoubtedly contributing to this downward trend, such as large fires and a downturn in the economy, there has been a 50% decline in the number of users. (See chart.) *Refer to Letter #192 for the chart. It displays the number of service days annually from 1999 to 2009 in a line chart.*

Response 249-50: The chart accurately reflects the data from the Needs Assessment. Refer to Figure B-6 on page Appendix B-10 and Figure 9 on page Appendix B-13 of the 2012 Needs Assessment (Appendix B).

3. Calculations to Determine “Extent of Commercial Services Necessary and Allocation of use for Commercial Services” are Unclear

The section in the Needs Assessment, entitled, “Extent of Commercial Services Necessary and Allocation of use for Commercial Services” (p. 39-45) is confusing and hard to follow. It contains a number of assumptions that are not explained.

a. It is unclear how the term “minimum extent necessary” for commercial services was defined and calculated.

1. For example, on p. 39 it states, “Approximately 12% of the recreation use in the Pasayten Wilderness has been outfitted annually, over the past 10 years; with approximately 8% in the Lake Chelan-Sawtooth Wilderness. (p39)” However, the calculations are not provided. In fact, this is contrary to percentages presented elsewhere: on page 40, text and figure 17 show the combined total of 7% in the Pasayten, and on page 43, the text and figure 21 depict “current” outfitter guide clients as 2% as found in a 2005 survey.

Response 249-51: The revised Needs Assessment provides all the calculations, and clearly shows how the minimum extent necessary was calculated. Refer to the 2012 Needs Assessment (see Appendix B).

II. Regarding the 12% figure discussed above, the document states that “This is the minimum extent necessary for these commercial services. This number is at or very near the minimum number required for businesses to stay in operation” (p. 39). Neither of these claims are elaborated on, but both appear to become assumptions used as a basis for calculations and fundamentals used in the DEIS.

Response 249-52: The revised Needs Assessment recalculates the need, based on past use, anticipated increases in use, and demographic changes that may increase the need for outfitter-guides in the future. Refer to the revised 2012 Needs Assessment beginning on page Appendix B-35 for the complete analysis and calculation process (see Appendix B).

b. The calculations to determine the “extent of commercial services necessary and allocation of use for commercial services” are unclear.

I. It is not clear what numbers are use (sic) as a basis for the pack and saddle stock calculations for the Pasayten on page 24

i. The section states: “The highest amount of pack and saddle stock outfitter-guide service days in the past five years was approximately 1,200 (not considering years when wildfires decreased the number of service days), and the highest over the past ten was approximately 1,700.” It isn’t clear why this information is given, nor is it accurate: the five year annual average was 1123, but the overall annual average over the entire data span was 928. The highest number in ten years was actually 1677, with an average over the past 10 years of 1175, and the high in 2009 was 760.

ii. Then the discussion turns to “The minimum extent necessary for pack and saddle stock service days was determined to be 12% of pack and saddle stock users.” Again, it is not clear why this number is given.

iii. Then, a calculated number and a final number are presented without any formula or basis: “Using the existing number of visitor days, approximately 1,900 service days are needed to meet the minimum extent necessary. This number will increase to approximately 2,000 by 2020.” There is no discussion of how these numbers were generated.

iv. It appears that the Forest Service used the number of service days in 2005, or 15780, multiplied by 12% which equals 1893, which is rounded to 1900 and then multiplied by 5% to account for growth (per a referenced study) to get 1995, which is then rounded to 2000.

v. The calculations for the hiking/backpacking portion are not clear either, but they appear to use a different figure for “minimum extent necessary” in this case a factor of 10% (not explained), and instead of rounding up in a similar manner to the pack and saddle stock, the final number appears to be rounded down (from 4255 to 4200).

1. The survey in 2005 found the portion of pack and stock users that were outfitted was 5% of total pack and stock users (842), not 12% (1893)

vi. The final number created by the needs assessment is 2000 and is much higher than what has generally been occurring on a regular basis in the Pasayten. The average number of user days

observed in the Pasayten over the past 11 years was 1199, in the past 5 years it was 928, and in 2009 it was 760. 2000 users is 166% greater than the average of the last 11 years, 215% greater than the past 5, and 263% greater than 2009.

c. There are similar issues regarding the calculations for the Lake Chelan-Sawtooth Wilderness:

I. The “highest and over the past ten has been approximately 670” (actually 662). 3% was unexplainably determined to be the “minimum extent necessary”, although in contrast to the Pasayten calculations it corresponds to the observed percentage of pack and saddle stock users being outfitted in the Lake Chelan-Sawtooth.

II. The final number created by the needs assessment, 720 is much higher than what has generally been occurring on a regular basis in the Lake Chelan-Sawtooth. The average number of user days observed over the past 11 years was 376, in the past 5 years it was 328, and in 2009 it was 200. 720 users is 191% greater than the average of the last 11 years, 219% greater than the past 5, and 360% greater than 2009.

III. If pack and saddle stock outfitting were to increase to 900, this would be a 177% increase over 2005 levels, and if there were commensurate growth in other overnight recreation as well, then this would exceed the threshold number of visitor days per season. (According to the needs Assessment, in 2005 there were 281666 visitors camping).

Response 249-53: We agree the 2010 Needs Assessment was unclear concerning calculations, and contained rounding that led to confusing tracks for the data. All the above mentioned calculations and conclusions were revised. The 2012 Needs Assessment clearly shows the revised calculations. Refer to the section beginning on FEIS page Appendix B-35 for complete information (Appendix B).

Response to Comments from Letter #250 (Wilderness Watch)

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

Wilderness Watch is providing these comments on the Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance Draft Environmental Impact Statement.

General Comments:

The Wilderness Act generally prohibits commercial enterprise. The Act includes a limited exception to this prohibition for commercial services performed “to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” The exception is subject to the requirement to preserve each area’s wilderness character.

Thus, the crux of the issue is whether the proposed activity (outfitting-guiding) is limited to the extent necessary, and whether the proposed action protects and preserves the area’s wilderness character. The proposed action fails on both counts. The needs assessment does not justify the proposed significant expansion in permitted commercial services, nor does the proposal to

increase the allowable amount of impact at campsites protect the area's wilderness character. The DEIS and its proposed action fails to comply with the Wilderness Act.

Response 250-1: The Needs Assessment does not propose a “significant expansion in permitted commercial services”. The 2010 Needs Assessment was revised in light of comments received on the DEIS, including the letter from this commenter, to better display the existing amount of commercial services, and the method used to determine the minimum extent necessary. The 2010 Needs Assessment used the actual number of service days in 2005 as the current condition, since the current number of recreationists overall was determined using data collected in 2005. In retrospect, this did not give an accurate picture of current outfitter-guide activities since the number of service days used varies widely year-to-year. The revised 2012 Needs Assessment used the number of service days in the current permits for outfitter-guides in the wilderness areas.

The revised Needs Assessment also uses a different method of calculating the minimum extent necessary. The 2010 Needs Assessment based the determination on past use and business viability. The 2012 assessment acknowledged that the minimum extent necessary is not a number that can be precisely calculated, and uses past use levels and population demographic changes that may affect the minimum extent necessary to determine a range of service days necessary to meet the intent of the Wilderness Act. The current number of service days in the Pasayten, 1,800, and in the Lake Chelan-Sawtooth, 715, actually fall within the range of the minimum extent of commercial services determined necessary in the assessment. For the Pasayten, the range is from 1,735 to 2,170. The range in the Lake Chelan-Sawtooth is 660 to 825. Refer to the Needs Assessment in Appendix B for the full analysis.

The proposed Forest Plan amendments included in Alternatives 2, 3 and 4 would not allow additional impacts at campsites. Rather, they acknowledge the discrepancy between the allowed party size of 12 people and 18 head of stock, and the vegetation loss/bare mineral soil standards and guidelines in the existing forest plans. Pack and saddle stock outfitter-guide activities in existing campsites with barren core areas that exceed the amount included in the alternatives (5,225 square feet in Alternative 2 and 2,800 square feet in Alternative 3), and) would be confined in the same area on each visit, and the excess barren core would be targeted for restoration by the Forest Service. Alternative 4 would allow the outfitters to use existing barren core in established campsites. Outfitters would not be allowed to increase the amount of barren core in any campsite. This would continue the improving trend of campsite condition across the wilderness areas.

Further, the DEIS has failed to consider a reasonable range of alternatives as required by the National Environmental Policy Act. None of the alternatives considers an overall decrease in commercial service service-days, even though the data suggests that commercial use is in decline and there is no meaningful data presented to show why this decline won't continue. For this and other reasons explained below, the DEIS does not comply with NEPA.

Response 250-2: The FEIS includes alternatives that range from eliminating pack and saddle stock outfitter guides, to increasing the number of service days overall by approximately 50% in Alternative 4. Alternative 3, which was fully developed and analyzed in the document, would reduce the number of service days by approximately

44%. Refer to FEIS beginning on page 2-8 for a full description of the alternatives considered in detail.

The 2012 Needs Assessment includes information about population demographics – specifically the aging population in the state of Washington. The number of people over the age of 50 is projected to increase by 25% by the year 2020. As people age, physical limitations can result in the inability to backpack into the wilderness for recreation purposes as indicated by the average age of outfitter-guide clients (see 2012 Needs Assessment, Appendix B, beginning on page B-39). Therefore, the minimum extent of commercial services necessary will increase with the aging population. Refer to the 2012 Needs Assessment for full analysis.

Determination of Need and Extent Necessary for Commercial Services

The Needs Assessment (at p. 4) sets out three key questions it sought to answer to meet “legal and policy requirements”:

- 1. What types of commercial services are needed to meet management objectives or in wilderness, the public purposes of wilderness?*
- 2. What amounts of these commercial services are needed to meet management objectives or purposes in an area?*
- 3. Can the amount of needed commercial services be sustained while protecting wilderness character?*

But these questions get the analysis backwards. First, the Wilderness Act requires the agency to manage wilderness so as to preserve wilderness character. Second, the Wilderness Act prohibits commercial enterprise within wilderness. However, the Act includes a narrow exception to allow some commercial services, but only (1) for activities which are proper for realizing wilderness purposes and (2) only to the “extent necessary.” Thus, the emphasis of this exception is to limit commercial services to levels that are “necessary,” not determining which types and amounts of services are “needed.”

The Wilderness Act only included the term “necessary.” Nowhere does the term “need” appear. The term “necessary” means “required to be done, achieved, or present; essential.” Absent from this definition and the use of this term in the Act is any notion of “demand” or “desire.” So any commercial services can only be permitted if they are “required” or “essential” to meet the purposes wilderness. If those purposes can be met without permitting commercial services, then those services are not “necessary.” Further, the purposes of wilderness do not include the comfort or convenience of visitors, nor economic opportunities for private businesses. The whole purpose of the prohibition on economic enterprise was to eliminate the profit motive and pressures associated with economic development from a small sphere of the public domain: wilderness.

Therefore, the appropriate question for the agency to answer in a Needs Assessment is whether commercial services are necessary to realize the recreational or other wilderness purposes of the areas, or could those purposes be met without commercial services? Only if those purposes could not be met does the Act allow commercial services. And once it is determined that the purposes could not be met absent permitting commercial services, the agency must determine (1) the

extent to which commercial packstock services are necessary to meet those purposes, and (2) whether, if those services are permitted to that extent, wilderness character would be preserved. In sum, the Wilderness Act requires the Forest Service to limit public use of commercial services in the wilderness for recreational, scenic and other authorized purposes to the extent necessary, and only as consistent with the overall imperative of preserving and protecting the wilderness character of the land.

Response 250-3: The 2010 Needs Assessment was revised for this FEIS. The Needed Services determination begins on page 5 of the 2012 Needs Assessment. As stated there, “[t]his step determines the types of outfitter-guide services needed to meet the public purposes of wilderness...”. This determination is not based on demand or desire. Each commercial service must be evaluated to determine if it is legal in wilderness, promotes the understanding and appreciation for wilderness character, and meets the public purposes of wilderness. Services that meet these criteria are needed. Those that do not are not needed, and therefore not allowed in wilderness. Refer to determination details beginning on page Appendix B-3.

According to the Ninth Circuit Court in *High Sierra Hikers et al. v. Blackwell et al.*, three factors are relevant to determine the need for commercial services: the types of activities for which commercial services are needed, the extent to which current permits are being used, and the amount of use the land can tolerate. The Court further noted that the factors must also be considered in relation to one another. If complying with the Wilderness Act on one factor will impede progress toward goals on another factor, the administering agency must determine the most important value and make its decision to protect that value. The 2012 Needs Assessment in Appendix B accomplishes this.

What this purported “Needs Assessment” does is:

(1) conclude that existing levels of commercial use and acknowledged impacts to wilderness resources from overuse are acceptable,

(2) conclude that all commercial hiking/backpacking and horsepacking services are needed in general, with no analysis of the actual motivations of visitors using those services or what forms and services within these categories are “necessary,”

(3) conclude that the maximum level of commercial use in the last 10 years plus the projected magnitude of increased demand in the future are the “minimum extent necessary” for commercial services, and

(4) “recommend” that that level of commercial service be authorized.

In other words, this “Needs Assessment” is simply a rationalization for increasing levels of commercial use dressed up in terms of “need.”

Response 250-4: These conclusory statements from the commenter are not representative of the findings of the Needs Assessment.

- 1. The environmental analysis did not find unacceptable impacts or conclude overuse of wilderness resources. Refer to the Wilderness section of Chapter 3 in the FEIS and the Wilderness report in the analysis file for the analysis that lead to the determination that existing outfitter-guide activities are having minor to moderate localized impacts to opportunities for solitude, but are not degrading overall wilderness character. Other resources within wilderness, including wildlife, botany,**

fish, water, soil, range, and heritage resources are also being impacted in isolated, localized areas by outfitter-guide activities but resource conditions overall are in good condition.

2. There is no data that could be used to determine the motivation of people using outfitter-guide services, and what percentage of outfitter-guide clients have a legitimate need, and what percentage hire an outfitter out of convenience. This is discussed in the 2012 Needs Assessment on page 38.
3. The minimum extent necessary determination is not based on demand. Rather, it considers past use levels and population demographics to estimate how the minimum extent of commercial services will change in the coming years.
4. The minimum extent necessary determination is not a precise calculation, therefore the 2012 Needs Assessment established a range of service days that will be necessary in the future to provide for wilderness purposes. Refer to the entire Extent of Commercial Services Necessary and Allocation of Use section of the 2012 Needs Assessment, beginning on FEIS page Appendix B-35 for full analysis and details.

The “Needs Assessment” Never Clearly Articulates a Definition for “Necessary,” nor Does it Implicitly Rely on One that is Compatible with the Wilderness Act

The “Needs Assessment” alludes to several criteria that may be related to whether commercial services are necessary, but never clearly articulates a definition or what specific criterion the agency is relying upon:

- *“help identify the minimum extent of commercial services needed to provide visitors access to the wilderness.” (at p. 12)*
- *“The analysis found that there is a need for commercial services for pack and saddle stock recreation, and for hiking/backing/wilderness education.” (at p. 23)*
- *“There is a demonstrated, continuing demand for both services, however the demand for stock services has been on a downward trend for the past decade.” (at p. 24)*
- *“The 1996 Needs Assessment found there was a high need for outfitters and guides for pack and saddle stock and extended hiking/backpacking trips. This finding was confirmed using an updated method of evaluating need, described below.” (at p. 23)*
- *“Are services or activities legally allowed in wilderness and do services or activities support management objectives or general wilderness direction in forest management plans.” (p. 23)*
- *“it is necessary to offer outfitter-guide services so a wider range of the general population will be able to experience recreation activities in wilderness.” (p. 39)*
- *“This number is at or very near the minimum number required for businesses to stay in operation. If the level was reduced, there is a high likelihood that some businesses would fail.” (p. 39)*

None of these rationales can support a finding that all current commercial use is “necessary,” let alone that even more commercial use is necessary. No attempt was made to determine what portion of existing use was actually necessary to the commercial clients (i.e., those visitors that could not otherwise have visited the wildernesses or otherwise realized the benefits of wilderness). Further, the “Needs Assessment” completely ignores the most likely and common reason that visitors hire commercial packstock for their trips: comfort and convenience. It also strains logic to conclude that commercial services are necessary when (1) there are documented impacts to wilderness character and resources, and (2) the vast majority of use is non-outfitted.

The “Needs Assessment” reports that in the Pasayten Wilderness approximately 7% of the visitors are commercially outfitted (p. 6) and that in the Lake Chelan-Sawtooth Wilderness approximately 3% of the pack and saddle stock users are outfitted, and all outfitter-guide service days represent only 1% of the visitor days in the Lake Chelan-Sawtooth (p. 9). In other words, commercial services are not necessary for, at minimum, 93% to 99% of visitors, and hiking and horsepacking can be experienced by the vast, vast majority of users with no commercial support. And this does not account for commercial use that was not necessary.

Response 250-5: The 2012 Needs Assessment discloses the process and analysis the Forest Service uses to first establish if an activity is needed to meet the public purposes of wilderness (beginning on FEIS page Appendix B-3), then uses actual use data, demographic information, and resource conditions to determine the minimum extent necessary for the needed commercial services. The quotes included by the commenter are random statements from the 2010 Needs Assessment and taken out of context.

The “Needs Assessment” Completely Ignores that Many Visitors Hire Commercial Packstock for their Comfort and Convenience and to Carry Unnecessary Gear that is Incompatible with Wilderness into the Backcountry.

The 1,000 pound gorilla in the room that the “Needs Assessment” ignores entirely is that many and probably most visitors hire commercial packstock for their comfort and convenience. But comfort and convenience are not compatible with the purposes of wilderness. The “Needs Assessment” makes no attempt to quantify the proportion of commercial use that is for comfort and convenience. It does not attempt to analyze what portion of commercial use is provided to visitors that would not otherwise visit the wilderness. Further, many clients of commercial packers hire their services so that they can bring equipment and supplies into the wilderness that they would not otherwise be able to carry, such as coolers, heavy and/or perishable foods, alcoholic beverages, tables, chairs, radios, and the like. The “Needs Assessment” should analyze the extent to which this occurs, and analyze and propose requirements that would address such unnecessary and incompatible use. For example, the agency could limit the number of packstock per client sufficiently that only necessary gear could be carried into the wildernesses. Given that the impacts from pack stock use are a significant concern in these wildernesses and the DEIS analysis, why did the Forest Service choose to not analyze the number of packstock that are actually needed for groups of various numbers of individuals to visit these areas? Why does the DEIS deem it appropriate for a single individual, for example, to utilize 18 head of stock for a single trip, given the amount of impact a herd that size has on the Wilderness? How did the Forest Service determine that up to 18 head of stock per group, even if the group is one or two people, is “necessary” or appropriate?

Response 250-6: The variety of reasons people hire an outfitter-guide, and whether or not there is legitimate need is discussed on the 2012 Needs Assessment on FEIS page Appendix B-36. No data exist that could be used to determine what percentage of clients have a legitimate need. There are too many variables, such as how much skill or knowledge is enough to no longer need an outfitter, or what income level would be adequate to afford the specialized equipment, or what physical conditions make hiking or backpacking impossible or impractical. The answer to such questions would be different for every person. The Forest Service did receive approximately 200 DEIS comment letters

stating that the commenters would not have been able to travel into the wilderness without the services of an outfitter guide because of physical limitation or lack of skill.

The party size of 12 people and 18 head of stock is a standard and guideline from the existing forest plans. Alternative 3 includes a forest plan amendment that would reduce this to a maximum party size of 12 heartbeats (FEIS pages 2-13). Another alternative that would have limited the party size for pack and saddle stock outfitter guides to 5 people and 2 head of stock was considered but eliminated (FEIS page 2-3, #5). The environmental effect of the fully analyzed alternatives, including the reduced party size is included in each section of Chapter 3 and the corresponding resource reports in the analysis file.

The Determination of the “Minimum Extent Necessary” was Simply an Analysis of the Status Quo and Projected Demographics

The analysis of “the minimum extent necessary” for commercial services begins by observing that “[t]he minimum amount of commercial services needed to provide for recreation is not a number that can be precisely calculated.” (p. 39) While this may be true, it does not excuse the agency from failing to make any determination or calculation at all related to actual necessity.

Recent and Current Use Levels

To determine the “minimum extent necessary” the “Needs Assessment” first analyzes existing levels of use. It notes that actual use is generally less than authorized use in both wildernesses. It then notes that in the Pasayten Wilderness “[t]here is an overall downward trend in the number of service days the existing outfitters are providing (p. 8), and in the Lake Chelan-Sawtooth “[t]he number of service days the existing outfitters have provided has remained somewhat steady, with a drop in numbers in the mid-2000s” (p. 11). The “Needs Assessment” then attempts to explain this downward trend in use through speculative statements about forest fires, the loss of operators, and a sluggish economy. Such speculative explanations are vital to the next step in the analysis: it concludes that the maximum actual use levels in the past 10 years are the “minimum extent necessary.” Only one explanation is provided for why maximum recent use levels are the “minimum extent necessary” (p. 39): This number is at or very near the minimum number required for businesses to stay in operation. If the level was reduced, there is a high likelihood that some businesses would fail.

So the ultimate criterion for determining “the minimum extent necessary” is the economic viability of the commercial outfitters. First, this is not a defensible criterion for determining that commercial services are necessary (i.e., economic development is not a public purpose of wilderness). Second, no analysis is provided to support that this conclusory statement is even true.

Response 250-7: The 2010 Needs Assessment was revised to respond to comments, including this letter. The minimum extent necessary determination process used in the 2012 Needs Assessment begins on FEIS page Appendix B-35. The factors used in the determination include: need for commercial services, historic number of service days, proportional relationship between outfitted and non-outfitted use levels, current resource condition and impacts from recreation use on wilderness character, wilderness capacity, and anticipated changes on overall number of recreationists and need for outfitters. The statement regarding forest fires, loss of operators and a sluggish economy is not

speculative; all have occurred in the past 10 years, and that information is framed as being a possible cause of the downward trend. Refer to the 2012 Needs Assessment (Appendix B) for full details.

Demographic Trends

Aging population demographics “indicate[] that there will be an increase in the number of people and the percentage of visitors who are physically incapable of hiking or backpacking into the Pasayten and Lake Chelan-Sawtooth wilderness areas, and that the need for pack and saddle stock outfitter-guides will increase in the coming years.” (at p. 12) “Assuming that as people age, they are less able to backpack long distances, an aging visitor population may have an increasing need for pack and saddle stock outfitter guides. Conversely, visitors traveling into the wilderness with youngsters might need outfitter services more than some groups. Having outfitter-guides for pack and saddle stock and hiking/backpacking would help make wilderness trips more feasible for these age groups.” (at p. 12) “Since the population of the state is projected to grow more rapidly than the population of Okanogan County, it is safe to assume that the percentage of visits to the Tonasket and Methow Valley districts from people who live nearby will decrease, and the percentage of those from outside the area will increase. Keeping with the assumption that those who travel longer distances to recreate in the Pasayten and Lake Chelan-Sawtooth are more likely to require the services of an outfitter- guide, the minimum amount of commercial services needed in these wildernesses will increase in the coming decade and beyond.” (at p. 13)

Response 250-8: The statements above were taken from the 2010 Needs Assessment. The demographic information was updated in the 2012 Needs Assessment. The assumption that people living away from the analysis area are more likely to need the services of an outfitter-guide was removed. Refer to Appendix B-39 for a discussion of how demographics were used in the minimum extent necessary determination.

Ultimate Determination of the Extent Necessary

*“Washington State’s Interagency Committee on Outdoor Recreation estimated that there will be a 15% increase in the number of people hiking and backing, and a 5% increase in the number of people riding horses in the next 10 years (Interagency Committee on Outdoor Recreation, 2003). * * * Applying the projected increased [use], there will be approximately 42,343 people hiking in the Pasayten, and 15,684 using pack animals by the year 2020.” (p. 40)*

Pasayten:

Hiking/Backpacking:

“The highest amount of use the existing hiking/backpacking outfitter guides have reported over the 6 past five years is nearly 3,000 service days, and the highest over the past ten years is approximately 3,500.” (p. 41)

“Using the current number of visitor days, approximately 3,700 service days are needed for hiking/backpacking outfitter-guides. Looking into the future, this would increase to approximately 4,200 service days being needed.” (p. 41)

Horsepacking:

“The highest amount of pack and saddle stock outfitter-guide service days in the past five years was approximately 1,200 (not considering years when wildfires decreased the number of service

days), and the highest over the past ten was approximately 1,700. The minimum extent necessary for pack and saddle stock service days was determined to be 12% of pack and saddle stock users.” (p. 42)

“Using the existing number of visitor days, approximately 1,900 service days are needed to meet the minimum extent necessary. This number will increase to approximately 2,000 by 2020.” (p. 42)

How did the Forest Service determine that the current “need” is for 1900 service-days when the maximum actual use has been 1700, and only 1200 in the past five years?

Response 250-8: These are accurate quotes from the 2010 Needs Assessment in the discussion about the Pasayten Wilderness, and do not require a response. However, the revised Needs Assessment uses a different method of calculating the minimum extent necessary. The 2010 Needs Assessment based the determination on past use and business viability. The 2012 assessment acknowledged that the minimum extent necessary is not a number that cannot be precisely calculated, and rather used the following factors: need for commercial services, historic number of service days, proportional relationship between outfitted and non-outfitted use levels, current resource conditions, wilderness capacity and anticipated changes in overall number of recreationists and need for outfitter guides. This led to a range of 1,735 to 2,170 service days for the Pasayten Wilderness. Refer to Appendix B, the 2012 Needs Assessment, for full analysis and determination, beginning on page Appendix B-35.

Lake Chelan-Sawtooth:

“Currently, there are approximately 56,332 visitor days in the Lake Chelan-Sawtooth, and 2% of those were outfitter-guide clients in 2005.” (p. 43) “Existing use levels were determined to be within capacity, but likely near the upper end of the acceptable range. At this time, outfitter-guide service days must be conservatively allocated to ensure expectations for available service days do not develop.” (p. 43)

“Applying Washington State’s Interagency Committee on Outdoor Recreation estimations for increases in the number of people recreating, there will be approximately 36,628 people hiking, and 18,008 people using pack stock in the Lake Chelan-Sawtooth Wilderness by 2020.” (p. 43)

Hiking/Backpacking:

“The highest amount of use the existing hiking/backpacking outfitter guides have reported over the past five years is approximately 1,500 service days, and the highest over the past ten years is approximately 1,600. This is roughly 4% of the total number of hikers/backpackers annually. Given that the capacity analysis showed that use may be approaching capacity in the Lake Chelan-Sawtooth, this percentage was not increased to allow additional use. The minimum extent necessary for hiking/backpacking is 4% of overall use.” (p. 44)

“Using the current number of visitor days, approximately 1,600 service days are needed for hiking/backpacking outfitter-guides. Looking into the future, this could increase to approximately 1,830 service days being needed. “The recommended distribution of these days is to divide 1,400 service days among the existing outfitters, and hold 300 days in a priority use pool. Another 130 service days should be placed in a temporary use pool.” (p. 44)

Horsepacking:

“The highest amount of pack and saddle stock outfitter-guide service days in the past five years is approximately 510 (not considering years when wildfires decreased the number of service days) and the highest over the past ten has been approximately 670. This is approximately 3% of all pack and saddle stock use, which was determined to be the minimum extent necessary.” (p. 44)

“Using the existing number of visitor days, approximately 670 service days are needed to meet the minimum extent necessary. This number will increase to approximately 720 by 2020. “The recommended distribution of days is to divide 560 service days among the existing pack and saddle stock outfitter-guides, and to place 160 days in a priority use pool.” (p. 45)

In the end, the Needs Assessment does not determine an “extent necessary” for commercial services, but instead gives a “Recommended Number of Service Days” (see Figures 19-20 and 23-24).

Response 250-9: In the 2012 Needs Assessment, the minimum extent necessary calculations are included in Figure B-25 on FEIS page Appendix B-42, and Figure B-26 on page Appendix B-42. See Response 250-3.

It is not Permissible under the Wilderness Act to Permit an Increased Authorization of Commercial Services in the face of Documented Impacts to Wilderness Character

The “Needs Assessment” acknowledges that several areas are currently impacted by high use (p. 46):

The following analysis areas have been identified as areas where use levels are higher and close monitoring is needed to ensure that wilderness character is not adversely impacted:

- *Pasayten Wilderness*
- *Lakes in the vicinity of Harts Pass and the Pacific Crest Trail*
- *Hidden Lakes*
- *Crow and Corral Lakes/Sheep Mountain Area*
- *Spanish Camp*
- *Black Lake*
- *Lake Chelan-Sawtooth Wilderness*
- *Oval Lakes*
- *North Lake and Surrounding Area*
- *Twisp Pass*
- *Louis Lake*
- *Williams Lake*
- *Libby Lake*
- *Star Lake*
- *Tuckaway Lake*
- *Bernice Lake*
- *Surprise Lake*

Yet, the “Needs Assessment” recommends that authorized levels of commercial use be increased. This directly contradicts clear judicial precedent interpreting the Wilderness Act and is not permissible.

Response 250-10: The Needs Assessment does not recommend that authorized levels be increased. Refer to Response 250-1 above. The current number of service days falls within the range of the minimum extent necessary. The wilderness character analysis found that even though current recreation use is having minor to moderate, localized impacts to opportunities for solitude, it is not altering wilderness character.

The list of locations included in the commenter’s comments are taken from the biophysical wilderness capacity determination section of the 2010 Needs Assessment, and is also included in the 2012 Needs Assessment. Part of the capacity analysis includes identifying areas of concern, or analysis areas. Monitoring has highlighted these areas, where use may be closer to capacity than over the entire wilderness areas. The areas will continue to be monitored, and outfitter-guide activities may be limited in these areas in the future to ensure that the activities do not degrade the wilderness character. Refer to FEIS pages Appendix B-28 through Appendix B-30.

Selective and Biased Presentation of User Survey Results

The “Needs Assessment” reports results from a user perception survey to argue that existing levels of commercial use are adequately protective of solitude (p. 19):

Outstanding opportunities for solitude, primitive, and unconfined recreation exist in most locations throughout the Pasayten and Lake Chelan-Sawtooth wilderness areas. Every person has a different perception of solitude, and of how many encounters with others it takes to lose the sense of solitude. The 2009 Wilderness Study gathered information on people’s perception of the opportunity for solitude by asking about crowding. Approximately 90 to 95% of those interviewed did not feel crowded at all or felt only slightly crowded during their trips in the wilderness areas. The feeling of crowds is grounded in a person’s expectations, and about three quarters (72% in the Pasayten and 79% in the Lake Chelan-Sawtooth) of the people saw as many or fewer people than they expected. Roughly one-half (55% in the Pasayten and 42% in the Lake Chelan-Sawtooth) of the visitors felt solitude is part of the wilderness experience, while the other half (43% in the Pasayten and 48% in the Lake Chelan-Sawtooth) felt that they did not expect complete solitude and expected to see other people some of the time (Burns, et al, 2010).

Later it states the following (p. 36):

The survey found that virtually everyone (97%) reported that they did not have any conflicts with other groups during their trip. In addition, 90 to 95% did not feel crowded at all or felt only slightly crowded. The feeling of crowds is grounded in a person’s expectations, and about three quarters (72% in the Pasayten and 79% in the Lake Chelan-Sawtooth) of the people saw as many or fewer people than they expected. Roughly one-half (55% in the Pasayten and 42% in the Lake Chelan-Sawtooth) of the visitors felt solitude is part of the wilderness experience, while the other half (43% in the Pasayten and 48% in the Lake Chelan-Sawtooth) felt that they did not expect complete solitude and expected to see other people some of the time.” (at p. 36)

While a majority of visitors may have reported results favorable to the agency's conclusion, this portrayal of the survey results completely discounts the views of the visitors that did believe the wildernesses were overcrowded and saw more visitors than they expected. Implicit in the agency's conclusions is that the preservation of wilderness character should be judged based on the subjective views of a majority of visitors, rather than on objective criteria grounded in the specific requirements of the Wilderness Act. Nowhere does the Wilderness Act cabin (sic) the requirement of "outstanding opportunities for solitude." Thus, these results more powerfully support a conclusion that the agency is failing to preserve outstanding opportunities for solitude when 10% of visitors felt "crowded" in the wildernesses, and visitors expectations have been so influenced by crowding that "visitors to more highly used trailheads had adjusted their tolerance of other wilderness users" and that "[m]ost knew what conditions they were likely to find, adjusted their expectations accordingly." (p. 37; quoting with approval a similar study for Oregon wilderness visitors).

This presentation of the survey result demonstrates that the agency believes that sacrifice zones, which do not meet the standards of the Wilderness Act, are appropriate in wilderness.

Response 250-11: Nowhere in the DEIS, FEIS, analysis file, 2010 Needs Assessment, or the 2012 Needs Assessment does the Forest Service refer to "sacrifice zones." In addition, the Wilderness Act does not include prescriptive direction concerning measuring or evaluating opportunities for solitude. Refer to FEIS page 3-21 for excerpts from the Act, or to the Act itself (The wilderness Act of 1964, P.L. 88-577). The most meaningful way to evaluate and analyze opportunities for solitude is to ask people if they felt the wilderness was crowded. Since solitude and crowdedness are completely subjective, it is reasonable to conclude, as the Needs Assessment does, that since a majority of people felt the wilderness was not crowded, then the opportunities for solitude were being provided. The Wilderness Act does not direct, nor is it an achievable management goal, to have every person who travels through a wilderness area feel complete solitude 100% of the time. The findings in the 2009 Wilderness Use Study, and the conclusions disclosed in the Needs Assessments pertaining to crowdedness and solitude are sound. Refer to Responses 179-388, 179-393, and 179-436.

The "Needs Assessment" also reports that "[t]he majority of visitors (81% in the Pasayten and 87% in the Lake Chelan-Sawtooth) thought the wilderness was in good condition." (p. 36) But this means that 13 to 19% of visitors did not think that "the wilderness was in good condition. This is a significant number of visitors, and indicates that the Forest Service's ultimate conclusion that "the existing amount of use is within [] social capacities at this time" (p. 29) is simply wrong.

The Forest Service does not have the authority to rationalize degraded wilderness character and experiences. Instead, the agency has a statutory duty under the Wilderness Act to preserve both.

Response 250-12: The Forest Service is not rationalizing degraded wilderness character and experiences. The 2010 Needs Assessment was revised in 2012 and refers to the environmental analysis included in the FEIS. The effects of existing recreation and outfitter-guide use on wilderness character is disclosed and analyzed in the wilderness section of Chapter 3, and in the wilderness report in the analysis file.

Encounters Analysis is Based on Fundamentally Flawed Assumptions That do Not Provide for

Preserving Wilderness Character

The “Encounters Analysis” in the “Needs Assessment” is based on multiple unsupported assumptions and completely ignores encounters with visitors that are already in the wildernesses (i.e., it is entirely based on the number of groups that enter wilderness on a particular day). It concludes that “there is a 96% probability of encountering not more than seven parties on trail in the Pasayten on any given day, and a 98% probability in the Lake Chelan-Sawtooth.” (p. 20). But this unsupported speculative analysis is not supported by the agency’s own user survey data that is reported in the “Needs Assessment,” (sic) which found that nearly two-thirds (65%) of the visitors saw groups 5 times on their trips and an additional 27% saw groups 6 to 10 times. (p. 38)

Response 250-13: The Encounters Study directly addresses the forest plan standards and guidelines pertaining to the number of encounters allowed in the wilderness area. The entire analysis, including specific data, is in the Wilderness Report in the analysis file. Refer to that report for complete information. Also refer to Responses 179-97 and 179-392.

The Biophysical Capacity Analysis is Flawed Because it Distributes Use Across the Entire Wildernesses Even Though Most Impacts Occur Because Use is Concentrated in Popular Areas at Popular Times

The “Needs Assessment” defines “biophysical capacity” of the wildernesses as “the amount of overall use an area can sustain without detrimental social or physical resource impacts (without impairing wilderness character).” (p. 29). To determine the biophysical capacity, the analysis begins by concluding that if use were evenly distributed throughout the wildernesses, it (sic) “capacity” would be for every campsite in the wildernesses to be occupied by a party equal in size to the average group size on every day for the entire season of use. Acknowledging that groups are never evenly distributed throughout all locations in the wilderness and that some locations are more popular than others, the analysis “conservatively” assumes that the capacity of the wildernesses is for half of all campsites to be occupied every day. Thus, the analysis multiplies (1) the average group size for each wilderness (2) times half of the total number of campsites in each wilderness (3) times the total number of days in the operating season. That “capacity” for each wilderness is then compared to existing use levels to determine whether existing levels are within the wilderness’s “capacity.”

Absent from the analysis is any rationale for assuming that wilderness character will be unimpaired if half of campsites are occupied. Further, no basis is stated for using the entire 120 day season to calculate the capacity. There is simply no way to conclude that if half of the wilderness campsites were occupied by an average group for the entire summer that physical resources and wilderness character would not be impacted.

Response 250-14: The wilderness character analysis for the FEIS found that the existing amount of use is not degrading wilderness character, even though there are localized impacts to opportunities for solitude. The full discussion about the biophysical capacity analysis begins on FEIS page Appendix B-25. It includes the rationale for using campsite occupancy as the threshold for capacity - that wilderness character will remain on a stable or upward trend if no new campsites are established.

The analysis does not rationally account for the fact that use is concentrated at popular areas and popular times, even though the Forest Service acknowledges that for both wildernesses use. The "Needs Assessment" states that "some locations are more popular than others" (p. 30) and that use is highest on "weekends and holidays in July, August, and September." (p. 38) The analysis should start with actual existing use levels during popular times and at popular locations. This is where capacity is relevant, not wilderness-wide, including a great number of areas and campsites that are seldom visited.

Response 250-15: The analysis process used for the capacity analysis is described beginning on FEIS page Appendix B-25. It follows the process detailed by David Cole and Tom Carlson in Numerical Visitor Capacity: A Guide to Its Use in Wilderness which is considered the best available science for this analysis. Refer to the 2012 Needs Assessment for full rationale and analysis.

For the Pasayten Wilderness, the "biophysical capacity analysis" acknowledges that, even with existing levels of use, "resource specialists found concentrated areas of impact around campsites." (p. 30) Yet the Forest Service ultimately concluded that existing use is substantially below capacity (i.e., currently 52,600 visitor days and a "capacity" of 180,000 visitors per-season). How can this be true when the agency admits that current conditions do not meet its definition of "capacity" (i.e., when existing levels and patterns of use are causing "detrimental physical resource impacts" and "impairing wilderness character")?

Response 250-16: A summary of the effects to wilderness character are included in the 2012 Needs Assessment beginning on FIES page Appendix B-45. A full analysis of wilderness character is included in the Wilderness section of Chapter 3, beginning on FEIS page 3-21, and in the Wilderness Report in the analysis file. Refer to Response 250-15.

For the Lake Chelan-Sawtooth Wilderness, existing overnight use levels are much closer to even this unsupportable calculation of capacity (i.e., the current number of overnight visitor days is about 28,166, yet the calculated capacity is 40,800 visitor days per season). The agency similarly noted that "resource specialists found concentrated areas of impact around campsites." (p. 31) Yet the Forest Service ultimately concluded that existing use is below capacity.

The fact that overnight use levels in the Lake Chelan-Sawtooth are well below the "capacity" determined for the area by this methodology, yet there are "concentrated areas of impact around campsites" demonstrates that this is a flawed methodology both (1) for determining "capacity" and (2) for determining levels of use that will be protective of wilderness character. Overall use levels are just one variable that impacts wilderness character. Another is the concentration of use at particular times in particular locations (i.e., spikes in use). This methodology does not rationally account for this essential variable in determining capacity, and in fact completely minimizes it. The methodology also completely ignores that wilderness character and resources will be far more vulnerable to a given level of use during some times of the season (e.g., during the early season when conditions in trails, meadows, and campsites are much more wet and vulnerable to disturbance).

Response 250-17: As stated in Responses 250-14, 250-15, and 250-16 above, the capacity analysis follows the technique in Numerical Visitor Capacity: A Guide to Its Use in Wilderness. The biophysical capacity analysis begins on FEIS page Appendix B-25. It

includes a discussion why the threshold of campsite occupancy will keep wilderness character will remain on a stable or upward trend.

No Analysis of the Necessity of Day Rides and their Associated Concentration of Use and Impacts Near Trailheads

“Twisp Pass and South Creek trails are the two most popular routes for day rides.” (p. 38)

Response 250-18: Day rides on the Twisp Pass and South Creek trails are by non-outfitted riders, and therefore are only described in the affected environment and cumulative effects sections. No pack and saddle stock outfitter-guide day rides are authorized on these trails and their effects are not part of the direct and indirect effects of this project. The Needs Assessment only relates to outfitted use, as required by the Wilderness Act.

Revisions to Needs Assessment Should Only Be Used in Conjunction with Public Notice and Comment

Appendix B is a “Need Evaluation” protocol and form establishing a “process [that] will be used to document any new proposed [commercial] activities in the future.” (p. 23) The instructions for the “process” state the following (p. 50):

This tool is to be used by the Forest Service employees who are associated with recreation management and special uses administration within the district or forest. The forest or district special use permit administrator will identify the team of employees who will rate the activity. The team will generally be made up of the special use permit administrator (team leader), wilderness manager, and recreation program manager. Other specialists can be assigned as needed. Each individual will be responsible for completing the evaluation form using the rating system below. The team will then convene and reach agreement on each category, and an overall rating. The final evaluation will be reviewed by the District Ranger or Forest Supervisor.

Absent from this “process” is any public participation. The “process” could be conducted entirely behind closed doors with no involvement of the general public. In other words, agency officials could modify or complete a new needs assessment at any time with no public notice or comment. This appears to be a blatant attempt to avoid accountability to the public and to rewrite this “Needs Assessment” at will. This “process” should be deleted from the Needs Assessment because any determination that additional commercial services may be authorized in wilderness is a major federal action that requires public notice and comment and agency compliance with the National Environmental Policy Act.

Response 250-19: The Need Evaluation form is simply a tool used by Forest Service employees to evaluate newly proposed activities in wilderness. If an activity is determined to meet the need, no permits would be issued without completing a full NEPA analysis, including public involvement. This would be outside the scope of the pack and saddle stock outfitter-guide permit analysis. The Need Evaluation form is included in the analysis file.

The “Monitoring Plan” in the “Needs Assessment” does not Monitor any Variables that Would Indicate whether Commercial Services are Being Provided Only to the Extent Necessary

The “Monitoring Plan” includes four items related to wilderness character impacts, but no items related to commercial use or the “extent necessary” requirements of the Wilderness Act. (p. 47) Because such items are missing, it is not clear why the “Monitoring Plan” was included in the “Needs Assessment” at all. If a “Monitoring Plan” is retained in the “Needs Assessment,” it should be supplemented to include measures that would justify that existing commercial use or any future authorized level of use is actually necessary and proper for wilderness. For example, user survey (sic) that indicate whether they are using commercial services out of necessity, convenience, etc.

Response 250-20: The 2012 Needs Assessment begins with determining that pack and saddle stock and hiking/backpacking are proper activities for wilderness, and that there is a need for these based on the criteria detailed in the assessment (FEIS pages Appendix B-3 through Appendix B-7). The Forest Service cannot develop a user survey for outfitter-guide clients to determine if they have a legitimate need for an outfitter guide because there are no established criteria for making such a determination. As stated in the 2012 Needs Assessment on FEIS page Appendix B-36, there are too many variables, such as how much skill or knowledge is enough to no longer need an outfitter, or what income level would be adequate to afford the specialized equipment, or what physical conditions, or a combination of these factors, would make hiking or backpacking impossible or impractical without an outfitter-guide. Determining the exact number of people or percentage of use that meets this undefined level of legitimacy is not necessary. No reasonably foreseeable significant adverse impacts on the human or biological environment were found in evaluating the direct, indirect, or cumulative effects of commercial services in either the Pasayten or Lake Chelan-Sawtooth Wildernesses.

The monitoring items included on FEIS page Appendix B-46 (2012 Needs Assessment) will gather data on overall recreation use to compare to capacity analysis findings, campsite inventories to determine if new campsites are being created (indicating that the capacity may be exceeded), and collecting encounter data to evaluate opportunities for solitude. All of these are directly related to the analysis and determinations in the Needs Assessment, and will be used to revise and update the assessment and extent necessary determination, as needed

The monitoring plan associated with the pack and saddle stock outfitter-guide analysis begins on FEIS page 2-26.

The Needs Assessment is Not an Honest and Unbiased Assessment of the Extent to Which Commercial Services are Necessary and Proper in Wilderness

Every assumption, analysis, and conclusion in this “Needs Assessment” was designed to rationalize an increase in use by outfitters. The Forest Service should scrap this attempt and develop a methodology capable of complying with the Wilderness Act for determining the extent to which commercial services are necessary in these wildernesses.

Response 250-21: Refer to Responses 250-1 to 250-20. The 2012 Needs Assessment follows the latest direction and published techniques (i.e. the best science) to determine need and the minimum extent necessary.

DEIS and Compliance with the National Environmental Policy Act

Purpose and Need/Alternatives

The purpose and need cannot be so narrowly defined as it precludes a reasonably array of alternatives. Furthermore, it must be based upon sound reason.

The DEIS fails on many counts. First, the purpose and need is so narrowly defined that it has precluded even the consideration of an alternative that complies with the forest plans direction on core barren area.

Response 250-22: The Purpose and Need is described beginning on FEIS page 1-18. Chapter 2, Alternatives Considered but Eliminated from Detailed Study explains why an alternative that does not amend the Forest Plan barren core requirements is not feasible (FEIS, page 2-2, eliminated alternative #2).

No action alternative meets the current forest plan. Every action alternative would decrease protective wilderness standards. There is no reasonable array of alternatives.

Response 250-23: An alternative that would not amend the Forest Plans standards and guidelines for barren core was added to the FEIS, but eliminated from further consideration. Refer to Eliminated Alternative #3 on FEIS page 2-2.

The range of alternatives, including the four fully analyzed alternatives, and the alternatives considered but eliminated (beginning on FEIS page 2-2) gives a full range of alternatives.

Further, why did the Forest Service choose to not consider a single alternative that reduced the allowable campsite impacts below the current forest plan standard?

Response 250-24: An alternative was added to the FEIS that would have reduced the amount of barren core allowed by the existing standards and guidelines. Refer to Eliminated Alternative #3 on FEIS page 2-2.

Second, the DEIS is not based upon sound reason. It suggests that weakening the standards in the forest plans for core disturbed areas is necessary based upon studies that show it is better to sacrifice already impacted areas to prevent impacts from spreading to unimpacted areas.

Regardless of the veracity of these so-called “findings” (they are Cole’s speculation, his research didn’t directly test whether this kind of displacement of impacts actually occurs), that question is irrelevant. Simply put, outfitters and guides use sites selected by the Forest Service. There can be no displacement of impacts unless the Forest Service approves new sites. Cole’s research might have some utility if the issue in the DEIS were impacts from the general, non-outfitted public, but the DEIS has declared that is beyond the scope of the analysis.

Thus, it is illogical to use Cole's research as the rationale for changing campsite standards at outfitter sites. Simply put, the Forest Service has failed to implement the forest plan and the agency is looking for an excuse for breaking its contract with the American people.

Response 250-25: The DEIS/FEIS cites a research paper authored by Cole and Hall, 1992 in the purpose and need to amend the standards and guidelines for barren core (DEIS page 1-8, FEIS page 1-21). It was not the justification or rationale for the need to amend the forest plans, as suggested by the commenter. Rather, it is an example of the research that has been conducted since the forest plans were published, that suggest using existing, stable campsites is preferable to creating new campsites and degrading the wilderness character. The authors based their conclusions on research conducted in the Eagle Cap and Bob Marshall Wildernesses and the Grand Canyon National Park, and were not "Cole's speculation" as the commenter suggests. Refer to this publication for the full analysis.

The purpose and need in the FEIS (FEIS page 1-18) states clearly there is a need to respond to the applications for outfitter-guide permits, and to provide the commercial pack and saddle stock commercial services identified in the Needs Assessment. The FEIS demonstrates that a party of 12 people and 18 head of stock cannot fit within the barren core limitations specified in the forest plan (FEIS pages 1-20 and Appendix C-1), and that prohibiting outfitter-guide use of existing campsites within 200 feet of meadows, lakes, streams, and key interest areas would not leave enough campsites for the outfitters to operate (FEIS pages 1-20). Therefore, the standards and guidelines must be amended in order to meet the need identified in the Needs Assessment.

The environmental effect of the forest plan amendment on all resources is disclosed in each resource section of Chapter 3. Several of David Cole's research publications were used as reference material in the document, including in the purpose and need (FEIS page 1-21) and in the Botany section.

A basic requirement of NEPA is that federal agencies must consider a reasonable range of alternative actions in an EIS. 42 U.S.C. § 4332(2)(c)(iii); 40 C.F.R. § 1502.14; Bob Marshall Alliance v. Hodel, 852 F.2d 1223 (9th Cir. 1988), cert. denied, 489 U.S. 1066 (1988). The range of alternatives should "sharply [define] the issues and [provide] a clear basis for choice among options by the decision maker and the public." Id. Under NEPA, alternatives analysis must: (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. ... (c) Include reasonable alternatives not within the jurisdiction of the lead agency. 40 C.F.R. § 1502.14 (a) and (c). See California v. Block, 690 F.2d 753, 765-69 (9th Cir. 1982) (reversing EIS for failure to address reasonable range of alternatives); see also Muckleshoot Indian Tribe v. USFS, 177 F.3d 800 (9th Cir. 1999) (reversing EIS for failure to address reasonable range of alternatives).

The Seventh Circuit recently explained:

No decision is more important than delimiting what these "reasonable alternatives" are. . . . One obvious way for an agency to slip past the strictures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of

existence). . . . If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.

The DEIS must analyze a range of alternatives that includes one action alternative where the forest plan standards are met. The Forest Service showed it is capable of amending the plan to weaken wilderness protection. It could certainly, in one alternative, amend the plan to reduce party size (both stock and people) to meet the standards.

Response 250-26: Refer to Response 250-23. The range of alternatives includes the fully analyzed alternatives, 1 through 4, and all the alternatives considered but eliminated, described beginning on FEIS page 2-2. This range meets all NEPA requirements. Refer to all of Chapter 2 beginning on FEIS page 2-1. Alternative 3 fully analyzes an alternative that reduces party size.

The purpose and need also contradicts the Wilderness Act. The DEIS is based on the premise that there is a need for outfitting, therefore it MUST occur. The Wilderness Act language is clear that outfitting "may" occur, it is not mandated to occur even if certain criteria are met. If it does occur, it must be both necessary and proper (see section on Needs Assessment).

Response 250-27: The Forest Service has determined that there is a need for these commercial services for "realizing the recreational or other wilderness purposes of the areas" (Wilderness Act). Refer to the 2012 Needs Assessment for full analysis and determination of minimum extent necessary for these services, and to the FEIS on pages 1-19.

Scientific Integrity/Accuracy

The DEIS is based upon faulty logic, inadequate analysis, and non-sequiters (sic) between data and conclusions. Two issues illustrate these fatal flaws.

This first example lays out some logical inconsistencies and problems in the analysis. On one hand, the DEIS claims that data tracking impacts from outfitter use (particularly stock) need only go back 10 or 20 years. However, the Pasayten Wilderness was designated over 40 years ago. Without some data that shows that wilderness character has not degraded from outfitter use since designation, the agency is not meeting its mandates under the Wilderness Act. Ten or twenty years is (sic) insufficient.

Response 250-28: Data regarding the number and types of trips taken by the pack and saddle stock outfitter guides is available and reliable for the past 10 to 20 years, as clearly stated on FEIS pages 3-30 and 3-109 under the subsections titled "Service Days". This is not the same timeframe used to analyze and evaluate resource conditions in the Pasayten, the effects of which go further back in time depending on the resource. See Response 250-29 below.

On the other hand, the DEIS claims that the overall trend in wilderness character is improving since designation. Assuming the DEIS is accurate and meeting NEPA mandates for quality information, there must be some kind of data that goes back to designation. Does any exist that shows an improving trend in outfitter sites?

To further muddy the water, the DEIS later explains the improvement in wilderness character since designation is due to the elimination of domestic livestock grazing in the area (presumably due to economic issues). However, the DEIS so narrowly defined the purpose and need as to exclude impacts from the non-outfitted public. If one accepts the DEIS premise in chapter one, improvement in wilderness character from issues other than management of outfitter use is irrelevant to this analysis.

In summary, the DEIS inconsistently picks and chooses the scope of the analysis to shed a favorable light on the preferred alternative. When looking at the “big picture” allegedly shows an improvement in wilderness character over the years, such analysis is included. When looking at the big picture of recreation impacts shows problems, the analysis is rejected.

Response 250-29: The historic activities and effects on the Pasayten Wilderness are discussed in each resource section in Chapter 3 in the affected environment and cumulative effects sections. Under Historic Activities section in the Wilderness section, beginning on FEIS page 3-32, past human activities dating nearly 100 years, such as grazing, recreation, and mining are discussed. The environmental effects of all activities and management actions, past, present, and reasonably foreseeable are part of the cumulative effects analysis, and therefore completely relevant to the analysis. Impacts of outfitted and non-outfitted recreation on wilderness character are discussed throughout the Wilderness section of Chapter 3, beginning on FEIS page 3-21.

The second example shows a fatal flaw in the DEIS itself. The DEIS claims it is “impossible” to differentiate impacts between outfitted and non-outfitted stock users! If that is indeed the case, how can there be any kind of credible analysis in the DEIS or any kind of monitoring of outfitter use?

Of course, that statement seems faulty. Since outfitters have assigned camps, it should be possible to differentiate impacts in those areas. Indeed, the management of outfitting use and this DEIS itself are based upon, in part, the amount of bare core area at campsites. In all cases, outfitter horse camps are approved by Forest Service so some reasonable interpretations can be made as to the impacts of outfitter versus non-outfitted public use.

Response 250-30: This statement is taken from the Wilderness Analysis Method section beginning on DEIS page 3-14. This statement was corrected in the FEIS, to clarify that the environmental effects of all recreation use, and how those effects change with the alternatives, are included in the cumulative effects section (FEIS page 3-27).

There are approximately 153 campsites used regularly by pack and saddle stock outfitter-guides (FEIS page 3-44) across the Pasayten and Lake Chelan-Sawtooth wilderness areas, but only five of these are assigned camps, closed to public use. All these campsites are also used by the non-outfitted public, even the assigned camps since there is no way to prevent use when the outfitter or Forest Service is not present. The Forest Service monitors the outfitter camps as part of the permit administration process (FEIS page 3-50). By timing the monitoring trips to occur when an outfitter is in the camp, the Forest Service is able to see if outfitter activities are causing resource impacts (refer to Responses 179-31 and 179-33). Resource impacts can occur any time a camp is used by anyone. If new

impacts are found when the camp is unoccupied, there is no way to determine who caused the damage.

Chapter 3 clearly notes the largest impacted camp in the Pasayten is regularly used by commercial outfitters and three are the six largest impacted campsites are regularly (assigned, presumably) outfitter camps. This is quite a statement since only three percent of the stock use is outfitter-based.

Response 250-31: Figure 3-2.8 on FEIS page 3-47 shows that 19% of the Pasayten camps used by the outfitter-guides have over 2,800 square feet of barren core, along with 22% of those in the Lake Chelan-Sawtooth. Figures 3.2-9 and 3.2-10 FEIS pages 3-47 and 3-49 show the camps with the barren cores exceeding 2,800 square feet, used by the outfitter-guides. A full list of campsites used by outfitter-guides is included in Appendix A. The impacts of these camps to the resources are included in Chapter 3.

Cumulative Impacts

The DEIS avoids a real cumulative impacts analysis based upon historical actions. Instead, it conflates the current situation with cumulative impacts. There should be a record of historic decisions that affect the wilderness and backcountry areas. The 9th Circuit Court requires proper cumulative impact analysis. The DEIS fails on this count entirely.

Response 250-32: There is a cumulative effects analysis in every resource section in Chapter 3. Refer to “Past, Present, and Reasonably Foreseeable Future Actions” beginning on FEIS page 3-2 for information on the cumulative effects analysis, and again in each resource section. According to the Council on Environmental Quality, past actions can be described in the aggregate, rather than listing every single past action and its individual effects (see FEIS, page 3-3).

Wilderness Analysis

The DEIS claims no impacts from any alternative to undeveloped or untrammeled qualities of Wilderness. However, according to the DEIS outfitters use spring pipes and have corrals at some locations. Presumably these developments would cease under alternative 1. Thus, that alternative would have beneficial impacts.

Response 250-33: The Wilderness analysis is based on the analysis process detailed in Applying the Concept of Wilderness Character to National Forest Planning, Monitoring, and Management (Landers, et. al, 2008). Refer to FEIS page 3-27 through 3-29 for an explanation of how the different qualities are defined and used in the analysis. In this analysis method, developments at campsites impact the opportunities for solitude in and around the campsites, but do not impact undeveloped or untrammeled qualities of wilderness areas.

The conclusion that opportunities for solitude and primitive and unconfined recreation would be enhanced under alternatives 2 and 3, in light of an overall increase in use, has no rational validity (page 3-59). It also conflicts with the DEIS analysis elsewhere on this issue.

Response 250-34: This is a statement in the Consistency Findings portion of the DEIS, referring to beneficially impacting opportunities for solitude for those needing commercial

services. The paragraph was revised in the FEIS to state that Alternatives 2 and 4 would meet the minimum extent of commercial services necessary (FEIS pages 3-73 and 3-80) , and Alternative 3 would partially meet the need (FEIS page 77). The impacts of the alternatives on opportunities for solitude are discussed on FEIS pages 3-36 through 3-52, 3-62 through 3-64, 3-70 through 3-73, 3-74 through 3-77, and 3-78 through 3-80.

The DEIS notes all alternatives would be in compliance for elk standards. This ends the analysis. However, it does not note what impacts would be to elk from the various alternatives. Impacts to a native species (elk) does (sic) have an impact on wilderness character. The impacts to wolves and grizzlies needs better analysis. Grizzlies are sometimes mistaken for black bears and many are killed on outfitted hunts in the Northern Rockies each year. A grizzly was recently killed in the Bitterroot Recovery Zone where they are very rare by an outfitted hunter, who mistook it for a black bear in the Clearwater National Forest.

Response 250-35: The analysis for elk is on FEIS page 3-290. The effects of the alternatives on gray wolf are disclosed beginning on FEIS page 3-293. The grizzly bear analysis begins on FEIS page 3-297. Alternatives 2, 3, and 4 also include a mitigation measure that requires the outfitter guides to make their clients aware of the differences between black and grizzly bears, and the consequences of shooting a grizzly bear (FEIS page 2-24, #12b). There have been no documented occurrences of clients inadvertently killing a grizzly bear in the North Cascades.

Impacts to TES fish and aquatic species are improperly assessed. For example, the DEIS claims bull trout critical habitat has not been designated. It has been recently designated by the USFWS. The fact that camping occurs in RHCAs is a problem that the DEIS fails to address. All camps should be moved outside of the RHCAs.

Response 250-36: The analysis of impacts to listed fish species begins on FEIS page 3-195. Bull trout critical habitat is discussed on FEIS pages 3-195. The effects of campsites on Riparian Habitat Conservation Areas are disclosed in the FEIS beginning on page 3-201, with additional discussions beginning on FEIS page 3-213. Consistency with PACFISH Riparian Management Objectives (for RHCAs) are detailed beginning on FEIS page 3-225. PACFISH only requires camps to be closed/relocated from RHCAs where RMOs are not being met and adverse effects to anadromous fish cannot be avoided (PACFISH, RM-2).

Conclusion

For the reasons described above, the DEIS fails to meet the requirement of the Wilderness Act, NEPA, and the ESA. A supplemental DEIS and a new "needs assessment" should be prepared that meet the requirements of these laws and the agency's mandate to preserve the wilderness character of the Pasayten and Lake Chelan-Sawtooth Wildernesses.

Response 250-37: The DEIS and FEIS do meet all regulatory requirements for environmental analysis and disclosure, including but not limited to the Wilderness Act, NEPA, and the ESA. The Needs Assessment was revised, and the 2012 Needs Assessment is referenced throughout the FEIS, and included as Appendix B.

Response to Comments from Letter #252 (David Fluharty on Behalf of the Board of Directors North Cascades Conservation Council (NCCC))

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

We applaud the much belated effort to provide updated management guidance for the Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance by the National Forest Service. In our review, it is clear that by selecting only two alternatives for analysis [ceasing to permit the use and continuing use at more or less the present levels] a respectable third alternative, i.e., adjusting party size was not considered. This is of particular concern because it would provide a way to maintain the existing bare ground footprint of this activity rather than to increase the allowable footprint. This is unfortunate because it would have allowed some middle ground for management of the activity. Instead, the preferred alternative is to expand the footprint to a much larger area. The rationale for the preferred alternative is that the footprint allowed in previous permits was too small to support an operation with 12 people and 18 head of stock. Thus, the footprint will be allowed to expand [probably already is expanded if the rationale is correct] to 5280 square feet.

The science survey information that is provided seems to ask what is the footprint size needed by a full party of 12 people and 18 head of stock and then to adopt that. Admittedly, it is difficult to provide a scientific answer to what constitutes a footprint size suitable to Wilderness or protection of the environment but it remains to be seen what effect this will have. It would have been useful if the DEIS had been asked to assess this third alternative. In moving from the Draft EIS to the Final EIS this option could be systematically analyzed it would make NCCC more confident about the preferred option.

Response 252-1: Three alternatives were fully analyzed in the DEIS; the FEIS fully analyzes 4 alternatives. Alternative 3 was fully analyzed and includes a forest plan amendment to reduce the outfitter-guide party size to 12 heartbeats. Alternative 3 also includes a forest plan amendment to allow 2,800 square feet of barren core, compared to the 5,250 square feet in Alternative 2. Refer to FEIS page 2-14 and 2-15 for the description of the amendments. An alternative was considered that would have reduced party size to the number of stock and people that could fit in 400 square feet, but was eliminated from detailed study because the outfitter-guides would not be able to operate businesses with such a small party size and thus minimum required commercial services would not be provided to the public. The minimum required commercial services would not be provided to the public (FEIS page 2-12). The environmental, social, and economic impacts of the alternative are disclosed in each resource section in Chapter 3. None of these alternatives would allow expansion of existing camp footprints, and all will result in the reduction of footprints in some camps.

*Perhaps most importantly, the question of how the USFS will monitor and enforce the new footprint provisions is really key. It is unclear to NCCC that the program has planned for monitoring and enforcement. What resources are available for this effort? In the Final EIS it would be helpful if assurances were made that confirmed adequate resources are available for monitoring and enforcing these and other permit requirements. We recognize that there are other horseback users of these same area (**sic**) and understand that outfitters are more likely to conform to the rules and regulations than other users so the idea is not to unfairly single them out.*

Response 252-2: The Monitoring Plan was expanded in the FEIS to include more detail about the monitoring. Refer to FEIS pages 2-26 through 2-29. The mitigation measures would become part of the annual operating plan for the outfitters, and would therefore be enforced through permit administration. The amount of resources or funding available to accomplish this is outside the scope of this analysis because it is determined at a higher level of the organization, however an adequate amount of monitoring would occur in order to evaluate the outfitters' compliance with the terms and conditions of the permits. The Methow Valley Ranger District has made substantial improvements in permit administration over the past 10 years, as described on FEIS pages 3-15, Appendix F-3, and Appendix F-4.

Response to Comments from Letter #258 (Okanogan County Commissioners)

The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

This letter serves as our summary of the meeting held with USFS personnel on December 14, 2010 and to follow-up our comments dated November 1, 2010 submitted for the DE IS published regarding the issuance of livestock outfitter permits.

First, we want to extend our thanks for a productive meeting with your personnel. We believe both sides found additional clarity with regards to our respective positions. We also appreciate the fact that Mr. Liu came with authority to speak to the issues we raised. Following is our understanding of the decisions regarding the key points raised during the meeting.

1) The outfitters would be issued a new temporary one (1) year permit to allow operations until the EIS is completed and the decision regarding future permits is made.

Response 258-1: The pack and saddle stock outfitter-guides were issued one-year priority use permits in March 2011, which will expire in March 2012.

2) The USFS is willing to review the alternatives proposed in the draft EIS and either create a new alternative that more closely mirrors the proposal submitted by the outfitters or to amend the existing alternatives to achieve the same end.

Response 258-2: Alternative 4 was added to the FEIS in response to comments received from the current pack and saddle stock outfitter guides. It is described on FEIS pages 2-15 through 2-19.

3) The USFS agrees the economic analysis was inadequate and is willing to expand it. The County will provide a model for economic analysis for consideration by USFS personnel. Included in this letter is a memorandum from our planning director outlining the economic analysis model we would suggest be used.

Response 258-3: Refer to Responses 166-5 and 259-1.

Since we have already submitted the above mentioned comments we will only reinforce two of the key points we made.

1) The alternatives proposed do not accurately identify the conditions under which current permit holders operate. We believe that this failure implies that the existing operators create probable, significant, and adverse impacts through the conduct of their operations. With respect we still believe this is an unsupported assertion. An alternative accurately reflecting the current conditions under which the outfitters can effectively operate should be afforded the opportunity for review. If the EIS only reviews options that do not allow the issuance of a permit that allows an economically feasible operation than the process is without merit. An alternative that allows review of a practical camp site and "number of heartbeats" must be included. This point is consistent with point 2 of the summary of our meeting on December 14, 2010.

Response 258-4: Refer to Response 258-2.

2) The public benefit derived, both economically and in terms of quality of life, has not been effectively analyzed. The economic model we have provided if employed will provide an accurate projection of the economic benefits derived from these operations. To quantify the second benefit we mention we believe this DEIS should rely heavily on information generated during the outreach conducted for the President's Great Outdoor Initiative. The analysis of the benefit derived from the increased access to the wilderness provided by the outfitters must include data consistent with that provided to justify the outdoor initiative.

Response 258-5: Refer to Responses 166-4, 166-5, and 259-1.

These are the key points we wish to reiterate. We look forward to the opportunity to work with USFS personnel on this important issue. We would propose a follow-up meeting with USFS personnel in the near future.

Response to Comments from Letter #259 (Okanogan County Commissioners)

Although this letter was received after the comment period on the DEIS had ended, a response is being offered here because this letter resulted from a meeting requested by the Commissioners in their comment letter on the DEIS. The contents of the letter are included verbatim, and shown in *italics*. Responses to the comments are shown in **bold**.

Any cost benefit analysis is based on an assessment of the local revenues generated by the permitted activity compared against the cost of public services necessary to support the activity. This approach results in a calculation of the economic benefit created by the permitted activity or, conversely a calculation of the extent the local economic base subsidizes the permitted activity. The measurements that will provide the data for this straight line cost-benefits analysis are:

- 1) Value of permit/ review fees collected for processing/renewal of required permits.*
- 2) Wages paid to employees involved in providing the permitted service.*
- 3) Value of supplies and equipment purchased locally to provide the permitted service.*
- 4) Value of sales tax and other taxes paid for supplies/services.*
- 5) Value of ancillary permits required to provide the permitted service. ie: hunting and fishing license fees, parking permits, trail fees, etc.*

The above values are weighed against the actual costs incurred in issuing/ renewing the permit, cost of any required inspections, and the cost of public services that are delivered or delivered at an expanded level due to the existence of the permitted activity.

Indirect Economic Impact Analysis

In addition to the direct economic benefits derived from a permitted activity you must consider whether there is indirect economic activity generated by the permitted activity. Indirect activity can include off site overnight stays and the purchase of supplies such as food and fuel. Indirect activity can include the purchase of recreational services and locally produced items such as souvenirs, etc. At times this information can be difficult to obtain and projections are used. When evaluating a permitted activity that provides most needed supplies and support on site and tends to not generate off site overnight stays a multiplier of 1.5 can be applied to the value generated by the permitted activity. When evaluating a permitted activity that tends to promote or require over night stays off site which leads to the purchase of other supplies and services provided locally the multiplier can be as high as 4. The location of the permitted activity in relation to the location of the customer base it serves can impact the multiplier. As the distance between the location of the customer base and the permitted activity increases there is generally an increase in off site spending. This increased spending is generally for items such as lodging, meals, and fuel. Spending on local specialty items and souvenirs is directly related to the availability of vendors for these items.

Response 259-1: The economic and social impact analysis begins on FEIS page 3-357.

The economic information was modeled with “IMPLAN”. This program estimates the change in direct, indirect, and induced effects resulting from a change in the final demand for goods and services. The result is a disclosure of the economic contribution of current outfitter-guide businesses, and the impact to the economy of the alternatives. Refer to the FEIS for a full explanation of the analysis, including a background, analysis methods, and data sources.

The cost/benefit analysis suggested by the commenter was not done because permit fees, and the costs of completing this FEIS and administering the outfitter-guide permits are irrelevant to the analysis or decision.

Part 3

Letters were received from the following agencies: the Environmental Protection Agency, the U.S. Department of Interior, the US Fish and Wildlife Service, National Marine Fisheries Service, and the Okanogan County Commissioners. Where those letters offered substantive comments, responses are included above. The original scanned letters are provided on the following pages.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
620 SW Main Street, Suite 201
Portland, Oregon 97205-3026



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IN REPLY REFER TO
ER10/774

Electronically Filed

October 25, 2010

Michael C. Liu
District Ranger
Methow Valley Ranger District
24 West Chewuch Road
Winthrop, Washington 98862

Dear Mr. Liu:

The Department of the Interior has reviewed the Draft Environmental Impact Statement for the Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance; Okanogan and Wenatchee National Forest; Okanogan, Skagit, and Chelan Counties, Mellow Valley Ranger District, Washington. The Department does not have any comments to offer.

We appreciate the opportunity to comment.

Sincerely,

Preston A. Sleeper
Regional Environmental Officer



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

November 16, 2010

Michael C. Liu, District Ranger
Methow Valley Ranger District
24 West Chewuch Road
Winthrop, Washington 98862

Re: U.S. Environmental Protection Agency (EPA) comments for the Pack and Saddle Stock
Outfitter-Guide Special Use Permit Issuance Draft Environmental Impact Statement
(DEIS). EPA Project Number: 05-034-AFS

Dear Mr. Liu:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned a LO (Lack of Objections) rating to the Pack and Saddle Stock Outfitter-Guide Special Use Permit Issuance DEIS. A copy of the EPA rating system is enclosed.

We appreciate the mitigation measures used to serve as Best Management Practices to protect water quality, and recognize that every effort is made for stock to have minimal impact with surface water. These measures should minimize potential introduction of bacteria and nutrients from stock to waters in the area. For example, we applaud your efforts to encourage pack and saddle stock guides to lead trips in accordance with Leave No Trace Skills and Ethics. These techniques help to minimize the impact of guided trips. (Appendix L-2)

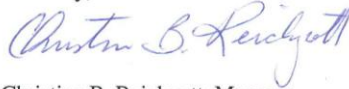
We note, however, our concern that the DEIS does not appear to use the most recent 303(d) list of impaired waterbodies and recommend that the water quality analysis of the FEIS be based on the most recent 303(d) list – 2008.¹ Please verify, in the FEIS, that no waters identified as impaired in the 2008 list would be adversely impacted by the Project.

¹ http://www.ecy.wa.gov/programs/wq/links/wq_assessments.html



If you have any questions or concerns please contact Jayshika Ramrakha of my staff at (206) 553-1788 or by electronic mail at ramrakha.jayshika@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures
EPA Rating System for Draft Environmental Impact Statements



**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987





OKANOGAN COUNTY

Board of Commissioners

166
Andrew Lampe
Commissioner District 1
Don (Bud) Hover
Commissioner District 2
Mary Lou Peterson
Commissioner District 3
Brenda J Crowell
Clerk of the Board

November 1, 2010

Michael C. Liu, District Ranger
Methow Valley Ranger District
24 West Chewuch Road
Winthrop, WA 98862

Dear Mr. Liu:

We have received a copy of your news release dated September 7, 2010 announcing a review and comment period on the Draft Environmental Impact Statement (DEIS) for the permitting process for pack and saddle outfits on National Forests in Okanogan and Chelan Counties. We offer the following comments regarding the DEIS.

First and foremost, the United States Forest Service has failed to meet their statutory obligation to coordinate your review of this process with Okanogan County. Okanogan County has sent several letters on different programs requesting you coordinate your efforts with us. Our intent to be active in these processes should by now be crystal clear to USFS Administration. Creating this DEIS without coordinating your efforts with us has resulted in the following fatal flaws in your process and the document.

A) You have failed to comply with the requirements of 16.U.S.C.1604 of the National Forest Management Act. Section 1602 directs the Secretary of Agriculture to "develop, maintain, and as appropriate revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal Agencies.") Including Okanogan County on your NEPA notification list does not satisfy this requirement.

B) Your failure to coordinate with us has violated the intent of 42 U.S.C. 4331 Congressional Declaration of National Environmental Policy (NEPA). Congress has directed that "it is the continuing policy of the Federal government, in cooperation with State and local governments.....to use all practicable means and measures.....in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

By failing to coordinate your efforts with us our ability to help shape the scope of review for the EIS as well as the specific economic analysis we believe is critical has been irretrievably compromised. To move forward with your DEIS would constitute a squandering of valuable resources and a lack of good faith in your desire to comply with federal statute.

In addition to our aforementioned concerns, we believe the DEIS is flawed in a number of key ways.

1) The alternatives proposed in the DEIS fails to accurately capture a no action alternative and further proposes alternatives that do not span the breadth of acceptable actions.

The no action alternative proposes a program where no permits are issued. This is not the current day circumstance. A no permit scenario may well have been appropriate to consider in the initial stages of review but should have been analyzed only as an option and not as the current program.

2) The other alternatives proposed fail to analyze and quantify the probable, significant, and adverse impacts anticipated from the issuance of these permits.

A number of conditions for camp size area, etc are asserted to have impacts but no supporting information is provided other than reference to guidebooks and other non-regulatory documents. In accordance with the Data Control and Quality Act the science based information that led to these conclusions should be provided. Simply referencing the documents in which these assertions are reported does not satisfy this requirement. By approaching the review in this manner there was no opportunity given to properly analyze the impacts that an expansion of this permit program would cause. It was merely assumed it would be harmful.

3) The lapse in time between the initial scoping and issuance of the DEIS has failed to capture the change in Federal policy that has come about regarding the importance that access to these lands has to the well being of the American people.

Since the initial scoping President Obama has created the Great Outdoor Initiative which promotes access to Federal lands by all people. A great deal of information has been generated identifying the tremendous benefit to the public that is brought about by outdoor activities on these lands. This certainly presents a change in policy by the federal government which has not been considered in the scoping for this DEIS. One of the key outcomes in any EIS is to accurately assess the probable, significant, and adverse impacts caused by any program to the natural environment and to weigh them against the public benefit. The current DEIS fails to consider the information supporting the public benefits that increased access to this land would bring. The activities that are permitted by the program under review provide opportunity for access that would not otherwise be available while at the same time causing minimal impact to the environment.

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

4) The DEIS failed to consider an economic analysis that accurately quantifies the contribution to the economic base of Okanogan County and its municipalities that is brought about by this program or to accurately measure the impact that an increase or decrease of this program would bring.

The Federal Agencies are mandated to consider the economic impact to small entities (under 50,000 people) that federal programs might cause. We were not involved in the preparation of any economic analysis nor have we been able to determine that any other local expertise was utilized or consulted. Since the DEIS failed to gather any comprehensive information regarding the impact this program has on the local economy it stands to reason the analysis is not only incomplete but inaccurate.

In addition to the above mentioned concerns we have other concerns regarding the vested rights of outfitters in Okanogan County. Following the courts reasoning in the Trout Unlimited case the outfitters were vested in the rules, either written or as historically applied, when they began their effort to renew their 10 year permits. The document regarding the process for obtaining permits bearing the date 2009 indicates the issuance of the permits was done under a categorical exclusion. In later documents, that are not clearly dated, it appears the rules were arbitrarily changed. It would seem you are now doing an EIS on rules you have already implemented. This violates both NEPA and the vesting doctrine as put forth in Trout Unlimited.

These are our chief concerns with the process and the DEIS it has generated. We believe the document is fatally flawed as a result. To correct the deficiencies the DEIS should be withdrawn and a new scoping process begun. The new information gathered through scoping should be used to revise the alternatives to more accurately reflect the current program and a comprehensive breadth of program options. The new DEIS should be subjected to a new comment period.

We are asking the USFS to meet with the Okanogan Board of County Commissioners to coordinate your efforts to create a new DEIS with us. We would like to propose the following dates for a meeting with USFS personnel.

November 23, 2010 2:00 p.m.
November 30, 2010 2:00 p.m.
December 7, 2010 2:00 p.m.

We would be pleased to host the meeting at the Virginia Grainger Building in the City of Okanogan at 123 5th Ave N.

In the interim, we ask you to do three things:

1) Respect the vested rights of the outfitters in Okanogan County and process their applications for 10 yr permits, in accordance with the standards in place upon their initial application and/or their good faith attempt to submit application without further delay.

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

2) Withdraw the draft EIS and prepare a scoping process and critical path for the EIS for discussion at our upcoming meeting.

3) Provide us with copies of the unsolicited comments or other information upon which you have based the need for rule revision. We ask that you be prepared to explain the process you have used to assure the quality of the data you have used in this process.

We are confident that you agree with us that litigation is the least productive way to create public policy. Since we share the common goal of providing the best service to the public we know you will comply with our requests and welcome our involvement in the effort to make the new process as comprehensive and open as it can be.

Please contact us if you have questions and to confirm the meeting date.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**

ABSENT

Mary Lou Peterson, Chairman

Andrew Lampe, Member

Don 'Bud' Hover, Member

CC: As attached

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

Regional Forester

Mary Wagoner
US Forest Service - Pacific Northwest Region
333 SW First Avenue, Portland, Oregon 97204-3440;
P.O. Box 3623, Portland, OR 97208-3623

Forest Supervisor

Becki Heath
215 Melody Lane
Wenatchee, WA 98801

US Senate

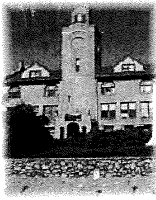
Maria Cantwell
511 Dirksen Senate Office Building
Washington, DC 20510
W 920 Riverside, Suite 697
Spokane, WA 99201

Congress

Cathy McMorris Rodgers
1323 Longworth House Office Building
Washington, D.C. 20515
10 N Post St Suite 625
Spokane, WA 99201

Congress

Doc Hastings
1203 Longworth
House Office Building
Washington, DC 20515
2715 St. Andrews Loop Suite D
Pasco, WA 99301



OKANOGAN COUNTY

Board of Commissioners

268
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Commissioner District 2
Jim Detro
Commissioner District 3
Brenda J Crowell
Clerk of the Board

December 29, 2010

Rebecca Heath, Forest Supervisor
United States Forest Service
215 Melody Lane
Wenatchee, WA 98801

Dear Forest Supervisor Heath,

This letter serves as our summary of the meeting held with USFS personnel on December 14, 2010 and to follow-up our comments dated November 1, 2010 submitted for the DEIS published regarding the issuance of livestock outfitter permits.

First, we want to extend our thanks for a productive meeting with your personnel. We believe both sides found additional clarity with regards to our respective positions. We also appreciate the fact that Mr. Liu came with authority to speak to the issues we raised. Following is our understanding of the decisions regarding the key points raised during the meeting.

- 1) The outfitters would be issued a new temporary one (1) year permit to allow operations until the EIS is completed and the decision regarding future permits is made.
- 2) The USFS is willing to review the alternatives proposed in the draft EIS and either create a new alternative that more closely mirrors the proposal submitted by the outfitters or to amend the existing alternatives to achieve the same end.
- 3) The USFS agrees the economic analysis was inadequate and is willing to expand it. The County will provide a model for economic analysis for consideration by USFS personnel. Included in this letter is a memorandum from our planning director outlining the economic analysis model we would suggest be used.

Since we have already submitted the above mentioned comments we will only reinforce two of the key points we made.

- 1) The alternatives proposed do not accurately identify the conditions under which current permit holders operate. We believe that this failure implies that the existing operators create probable, significant, and adverse impacts through the conduct of their operations. With respect we still believe this is an unsupported assertion. An alternative accurately reflecting the current conditions under which the outfitters can effectively operate should be afforded the opportunity for review. If the EIS only reviews options that do not allow the issuance of a permit that allows an economically feasible

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

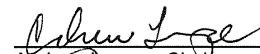
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509.422.7106

operation than the process is without merit. An alternative that allows review of a practical camp site and "number of heartbeats" must be included. This point is consistent with point 2 of the summary of our meeting on December 14, 2010.

2) The public benefit derived, both economically and in terms of quality of life, has not been effectively analyzed. The economic model we have provided if employed will provide an accurate projection of the economic benefits derived from these operations. To quantify the second benefit we mention we believe this DEIS should rely heavily on information generated during the outreach conducted for the President's Great Outdoor Initiative. The analysis of the benefit derived from the increased access to the wilderness provided by the outfitters must include data consistent with that provided to justify the outdoor initiative.

These are the key points we wish to reiterate. We look forward to the opportunity to work with USFS personnel on this important issue. We would propose a follow-up meeting with USFS personnel in the near future.


Sincerely,
**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**



Andrew Lampe, Chairman



Don (Bud) Hover, Member



Jim Detro, Member

Cc: Michael Liu, District Ranger,
24 West Chewuch Road, Winthrop WA 98862

Telephone
509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

251



"Lalena Johns "
<ljohns@co.okanogan.wa.us
>

02/02/2011 10:09 AM

To <jzbyszewski@fs.fed.us>

cc

bcc

Subject Okanogan County Economic Analysis

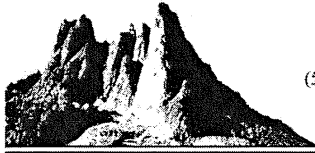
Hello,

Please find enclosed the Economic Analysis that was inadvertently left out of the letter we sent to Rebecca Heath dated December 29, 2010. Ms. Heath asked that we send the data to you. Please pass it along to her. Thank you.

Lanie Johns, CMC
Deputy Clerk of the Board
Okanogan County Commissioners



11 Heath Response Outfitters.pdf



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

**Economic Analysis
Cost/Benefit Model
Stock Outfitter Permits on USFS Land**

Direct Economic Impact Analysis

Any cost benefit analysis is based on an assessment of the local revenues generated by the permitted activity compared against the cost of public services necessary to support the activity. This approach results in a calculation of the economic benefit created by the permitted activity or, conversely a calculation of the extent the local economic base subsidizes the permitted activity. The measurements that will provide the data for this straight line cost-benefits analysis are:

- 1) Value of permit/review fees collected for processing/renewal of required permits.
- 2) Wages paid to employees involved in providing the permitted service.
- 3) Value of supplies and equipment purchased locally to provide the permitted service.
- 4) Value of sales tax and other taxes paid for supplies/services.
- 5) Value of ancillary permits required to provide the permitted service.
ie: hunting and fishing license fees, parking permits, trail fees, etc.

The above values are weighed against the actual costs incurred in issuing/renewing the permit, cost of any required inspections, and the cost of public services that are delivered or delivered at an expanded level due to the existence of the permitted activity.

Indirect Economic Impact Analysis

In addition to the direct economic benefits derived from a permitted activity you must consider whether there is indirect economic activity generated by the permitted activity. Indirect activity can include off site overnight stays and the purchase of supplies such as food and fuel. Indirect activity can include the purchase of recreational services and locally produced items such as souvenirs, etc. At times this information can be difficult to obtain and projections are used. When evaluating a permitted activity that provides most needed supplies and support on site and tends to not generate off site overnight stays a multiplier of 1.5 can be applied to the value generated by the permitted activity. When evaluating a permitted activity that tends to promote or require over night stays off site which leads to the purchase of other supplies and services provided locally the multiplier can be as high as 4. The location of the permitted activity in relation to the location of the customer base it serves can

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impact the multiplier. As the distance between the location of the customer base and the permitted activity increases there is generally an increase in off site spending. This increased spending is generally for items such as lodging, meals, and fuel. Spending on local specialty items and souvenirs is directly related to the availability of vendors for these items.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, Washington 98115

NMFS Tracking No:
2011/03944

November 13, 2012

Mike Liu
Methow Valley District Ranger
24 West Chewuch Road
Winthrop, WA 98826

Re: Endangered Species Act Section 7 Concurrence Letter and Magnuson-Stevens Essential Fish Habitat Response for the Pack and Saddle Stock Outfitter Guide Special Use Permit, Okanogan County, Washington (Fifth Field HUCs: Lower Chewuch River, 1702000804; Upper Chewuch River, 1702000803; Twisp River, 1702000805; Middle Methow River, 1702000806; Lost River, 1702000801)

Dear Mr. Liu:

On August 31, 2011, the National Marine Fisheries Service (NMFS) received your request for a written concurrence that the Forest Service's proposed Pack and Saddle Stock Outfitter Guide Special Use Permit renewals are not likely to adversely affect (NLAA) species listed as threatened or endangered or critical habitats designated under the Endangered Species Act (ESA). This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence.¹

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Act (MSA), including conservation measures and any determination that you made regarding the potential effects of the action. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation.² In this case, NMFS concluded that the action would not adversely affect EFH. Thus, consultation under the MSA is not required for this action.

¹ Memorandum from D. Robert Lohn, Regional Administrator, to ESA consultation biologists (guidance on informal consultation and preparation of letters of concurrence) (January 30, 2006).

² Memorandum from William T. Hogarth, Acting Administrator for Fisheries, to Regional Administrators (national finding for use of Endangered Species Act section 7 consultation process to complete essential fish habitat consultations) (February 28, 2001).



This letter is in compliance with section 515 of the Treasury and General Government Appropriations Act of 2001 (Data Quality Act) (44 U.S.C. 3504 (d) (1) and 3516), and underwent pre-dissemination review using standards for utility, integrity and objectivity.

Consultation History

The NMFS received your request for informal consultation, including the Biological Assessment (BA) on you provided on August 31, 2011 and additional information furnished on November 11, 2011 and November 2, 2012. In addition, the Forest Service and NMFS visited numerous sites on June 13, 2012 to review the proposed action. The Forest Service determined the proposed project “may affect, but is not likely to adversely affect” Upper Columbia River (UCR) spring-run Chinook salmon (*Oncorhynchus tshawytscha*), UCR steelhead (*O. mykiss*), or their designated critical habitat. A complete record of this consultation is filed at the NMFS’ Eastern Washington Habitat Office in Ellensburg, Washington.

Description of the Proposed Action and the Action Area

The Okanogan-Wenatchee National Forest proposes to reissue 10-year special use permits to continue pack and saddle stock outfitter-guide operations on National Forest System lands on the Methow Valley, Chelan, and Tonasket ranger districts. The proposed action includes: (1) Increasing the number of total service days across the project area from 4,291 to 6,700 days, (2) Amending the Okanogan and Wenatchee Forest Plans to revise barren core camp standards from 400 and 1,000 square feet respectively, to up to 5,400 square feet, and (3) Revising campsite location standards to allow existing campsites to remain within 200 feet of meadows, lakes, streams, and key interest areas to remain, but not allow new camps in these areas. The plan also does not increase the barren core of campsites that are below the 5,400 square foot standard, but retains each campsite at each existing barren core standard.

Action Area

The proposed action occurs across six watersheds that contain listed fish and includes: Lost River, Upper Chewuch River, Lower Chewuch River, Upper Methow River, Middle Methow River, and the Twisp River watersheds. These watersheds encompass the Action Area for the listed fish analysis, see table 1.

Table 1. Watersheds in the action area and listed fish and critical habitat presence.

Watershed (5th field)	Sub-watershed (12th field)	ESA Fish or Critical Habitat Presence * CH = Chinook ST = Steelhead	Distance To CH (Stream Name)
LOST RIVER	Lower Lost River	CH, ST	30ft (Lost River)
	South Fork Lost River	CH, ST	Bridge (Eureka Cr)
LOWER CHEWUCH RIVER	Eight Mile Creek	CH, ST	(Eightmile Cr ST CH)
	Falls Creek	CH, ST	10 mi (Falls Cr)
MIDDLE METHOW RIVER	Upper Beaver Creek	ST	8.5 mi (Beaver Cr ST) 16 mi (Beaver Cr CH)
	Wolf Creek	CH, ST	0.5 mi (Wolf Cr ST) 3.3 mi (Wolf Cr CH)
TWISP RIVER	Upper Twisp River	CH, ST	240ft (NF Twisp R CH) 0.75 mi (Twisp R ST)
	Mainstem Upper Twisp River	CH, ST	0.35mi (Twisp R CH/ST)
	Little Bridge Creek	CH, ST	140ft (LB Cr ST) 6 mi (LB Cr CH)
	South Creek	CH, ST	Bridge (South Cr)
	War Creek	CH, ST	2.5+mi (War Cr)
	Buttermilk Creek	CH, ST	Ford (WF Buttermilk Cr ST) 4mi (Buttermilk Cr CH)
	Eagle Creek	CH, ST	2mi (Eagle Cr)
UPPER CHEWUCH RIVER	Chewuch River - Kay Creek	CH, ST	Ford (Chewuch River)
	Mainstem Upper Chewuch River	CH, ST	10ft (Chewuch River, small high water side channel)
	Windy Creek	CH, ST	4mi (Chewuch River)
	Andrews Creek	CH, ST	0mi (Andrews Cr)
	Lake Creek	CH, ST	20ft (Lake Cr)
UPPER METHOW RIVER	Robinson Creek	CH, ST	180ft (Robinson Cr)
	West Fork Methow River	CH, ST	Bridge (SF Trout Cr), camp 180ft from SF Trout Cr
	Rattlesnake Creek	CH, ST	Ford (Rattle Snake Cr)
	Early Winters Creek	CH, ST	0.35mi (Early Winters Cr)

The UCR spring-run Chinook salmon Evolutionarily Significant Unit (ESU) was listed as an endangered species on March 24, 1999 (64 FR 14308). The UCR steelhead Distinct Population Segment (DPS) was listed as endangered on August 18, 1997 (62 FR 43937) and their status was upgraded to threatened on January 5, 2006 (71 FR 834). The status of each was reaffirmed on August 15, 2011 (76 FR 50448).

NMFS designated critical habitat for both UCR spring-run Chinook salmon and UCR steelhead on September 2, 2005 (70 FR 52630). Critical habitat includes the stream channels within the proposed stream reaches, and includes a lateral extent as defined by the ordinary high water line (OHWL) (33 CFR 319.11). Because the project will occur in freshwater habitat, applicable Primary Constituent Elements (PCEs) for the critical habitat of both species are those associated with freshwater spawning sites, rearing sites, and migration corridors.

Effects of the Action

For purposes of the ESA, “effects of the action” means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is NLAA listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial.³ Beneficial effects are contemporaneous positive effects without any adverse effects to the species. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur.

The primary risks to ESA-listed fish and habitat are from maintaining 24 campsites in a degraded condition that are located in Riparian Reserves, disturbing or trampling fish or redds at the Chewuch River ford, and water withdrawals at Slate Creek and Andrews Creek base camps.

There are 24 camps located within 300 feet of streams. The Forest Service estimates that about 100 feet of streambank is disturbed at each camp, totaling 2,400 of streambank disturbance for the project. Use of each camp likely degrades habitat conditions through bank trampling, vegetation alteration, barren area, large wood removal, and chemical contamination. At the site scale these camps do not meet aquatic conservation strategy objectives and likely suppress natural functioning conditions. At the subwatershed and watershed scale, however, the effects of these small areas of impact to ESA-listed fish species are negligible.

The proposed action has the potential to have direct effects to listed spring-run Chinook salmon through redd trampling and fish disturbance. The Washington State Department of Fish and Wildlife (WDFW) has been surveying redds in the Chewuch River for over 5 years and has data on the location of each, with the closest redd being approximately 150 feet downstream of an existing ford. The channel conditions at the ford site are not currently conducive to spring-run Chinook salmon spawning and consist of a cobble/boulder riffle substrate matrix. The Forest Service anticipates approximately four total crossings of the ford site each year including 16 pack stock (64 hooves) total each year. It is expected to take about 5 minutes per trip to get stock across the ford for a total of 20 minutes in water. When stock cross the river it is possible they could trample members of either listed species. However, this seems unlikely as fish would most likely move to deeper water or into cover away from the stock crossing the river. Because of the location of the ford, the type of substrate and the low frequency of use NMFS has determined that the likelihood of trampling is discountable. The magnitude of any fish disturbance where fish may alter their behavior would be short (< 5 minutes) and of low impact (16 hooves) and would likely be insignificant, as long as the nearest redd or spawning fish are further than 150 feet downstream. However, WDFW and Forest Service will continue monitoring redds at this location and if substrate conditions change and redds are within 100 feet of the ford location, the Forest Service will discontinue use of the ford during Chinook salmon spawning and incubation and reinitiate consultation.

³ U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. Endangered Species Act consultation handbook: procedures for conducting section 7 consultations and conferences. March. Final. P. 3-12.

The project also includes continued water withdrawals for stock watering at both Slate Creek and Andrews Creek base camps. Slate Creek flows into the Twisp River and Andrews Creek flows into the Chewuch River. The water developments each have a diversion rate of 0.003 cfs which would reduce the dry year base flow in Slate Creek by approximately 3 percent and 0.5 percent in Andrews Creek and would reduce flows in the Twisp and Chewuch Rivers by less than 0.001 percent. The effects of these withdrawals are expected to be insignificant.

The Forest Service has also included 13 conservation measures (page 22-28 in the biological assessment), some of which will minimize the effects of the proposed project on listed fish. In addition, the Forest Service will monitor the 24 campsites located within Riparian Reserves for aquatic/riparian impacts at varying frequencies depending on the resource priority and access. The basecamps will be monitored each year and backcountry camps in critical areas will be monitored once every three years. All other riparian campsites would be monitored once to twice every ten years. The Forest Service will also make fencing changes at the Andrews Creek Base Camp prior to use in 2013, as detailed in the biological assessment and discussions.

Conclusion


Based on this analysis, NMFS concludes that all effects of the proposed action are NLAA for the subject ESA-listed species and ESA-designated critical habitats.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by the Federal agency, or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA portion of this consultation.

Please direct questions regarding this letter Justin Yeager of the Washington State Habitat Office at (509) 925-2618 x224 or email at Justin.Yeager@noaa.gov.

Sincerely,


William W. Stelle, Jr.
Regional Administrator



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office

Central Washington Field Office
215 Melody Lane, Suite 103
Wenatchee, WA 98801-8122



January 28, 2013

In Reply Refer To:

USFWS Reference: 01EWF00-2013-I-0123

Cross Reference: 01E00000-2012-I-0054

Hydrologic Unit Code: 17-02-00-06 Okanogan River
17-02-00-07 Similkameen River
17-02-00-08 Methow River
17-02-00-09 Lake Chelan
17-11-00-05 Upper Skagit River

Michael C. Liu
District Ranger
Methow Valley Ranger District
Okanogan-Wenatchee National Forest
24 West Chewuch Road
Winthrop, Washington 98862

Dear Mr. Liu:

This letter is in regard to informal consultation on issuance of Special Use Permits for pack and saddle stock outfitter operations (Project). The Project is located on the Methow Valley, Chelan, and Tonasket Ranger Districts in Okanogan County, Washington. On September 1, 2011, the U.S. Fish and Wildlife Service (Service) received your letter, dated August 29, 2011, requesting initiation of consultation under section 7(a)(2) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) for this Project. Refinement of the proposed action and consultation about effects to listed species continued subsequent to our receipt of your consultation request. On November 2, 2012, we received the updated and final version of the biological assessment (BA) for the Project, which included all the information necessary to complete consultation. The complexity of this Project and reduced staff availability during the holiday season delayed our completion of consultation beyond the timelines specified in agreement for streamlined consultation procedures between our agencies. A complete record for this consultation is filed at the Service's Central Washington Field Office in Wenatchee.

Your cover letter from September 2011, which accompanied earlier versions of the aquatic and terrestrial biological assessments, requested both formal and informal consultation for the Project. Based on these assessments, you had previously determined that the Project was "likely to adversely affect" the bull trout (*Salvelinus confluentus*), potentially triggering formal consultation and completion of a biological opinion. However, subsequent changes to

the Project and re-analysis of Project effects led you to determinations of “not likely to adversely affect” for both the bull trout and its designated critical habitat. Regarding Project effects to the grizzly bear (*Ursos arctos*), gray wolf (*Canis lupus*), Canada lynx (*Lynx canadensis*), and northern spotted owl (*Strix occidentalis caurina*), your original letter requesting consultation did not mention these species. Your biological assessment, however, included analyses supporting determinations of “may affect, not likely to adversely affect,” for all these wildlife species, as well as “no effect” determinations for designated critical habitat for Canada lynx and northern spotted owl. This letter of concurrence completes informal consultation for both the bull trout and all these wildlife species. The Service does not anticipate effects to other listed or proposed species, or their habitats, from this Project.

The purposes of the proposed Project include responding to permit applications from outfitter-guides, protecting Wilderness character while allowing commercial services, and revising wilderness campsite standards regarding size of the barren core area and location relative to landscape features. Our consultation addresses the possible effects to listed species and designated critical habitat resulting from implementation of this Project over a 10-year duration. The elements of this Project which could affect listed species and their habitat include:

1. Packstock activities (browsing vegetation, trampling habitat and disturbing wildlife, disturbing and compacting soil, inputting feces and urine into surface waters),
2. Camp use (trampling, damaging and burning vegetation, disturbing wildlife), and,
3. Water development and use.

Many of the activities to be permitted have been occurring within the Project area for decades. The proposed Project also includes design criteria, mitigation measures, and conservation measures that, together, will likely be effective in reducing effects of the proposed Project on listed species and their habitats.

To analyze Project effects, we consider the potential effects of the Project in the context of current baseline conditions. What follows are summaries of our analysis of Project effects for each species and critical habitat designation.

Grizzly Bear

Baseline

The 9,565-square mile North Cascades Grizzly Bear Recovery Zone extends from I-90 north to the Canadian border. The total population of grizzly bears in the recovery zone is estimated to be less than 50 individuals (Almack et al. 1993) and may be as low as 6 individuals (Romain-Bondi et al. 2004). As described in the BA, there have been five confirmed reports of grizzly bears on the Methow Valley Ranger District (Almack and Fitkin 1998), with the most recent in 1996. Two occurred in the Pasayten Wilderness and three were from non-wilderness areas. One confirmed report has come from the Lake Chelan – Sawtooth Wilderness.

Within the Recovery Zone, the Project area is located within 14 different Bear Management Units (BMUs). BMUs are management areas that roughly approximate the size of a female

grizzly bear's home range, including seasonal and elevational distribution of habitats. BMUs in the Project area correspond roughly with hydrologic units (HUC 10). Home range size, and associated BMU size, varies according to habitat type. The BMUs in the Project area provide some of the best habitat in the Recovery Zone, including areas of conifer forests interspersed with sage-steppe, small aspen stands, and stringers of riparian habitat along watercourses. The Project area also includes remote, high-elevation areas with alpine meadows, side-slope meadows, whitebark pine (*Pinus albicaulis*) stands, avalanche chutes and talus slopes that may be suitable for denning. Denning habitat for grizzly bears is typically in caves or large boulder fields, in remote areas away from human disturbance.

Grizzly bears typically avoid areas of human activity and they are known to be displaced by open roads and trails. Human activity is correlated with increased potential for poaching, collisions with vehicles, and persecution in response to negative interactions. In this context, grizzly bear conservation focuses on providing core areas, defined as areas that are greater than 500 meters from an open road, motorized trail, high-use trail, or area of concentrated human use (e.g., a campground) (Gaines et al. 2001). Core areas provide safety and solitude for bears by insulating them from human disturbance. The amount of core area currently present in BMUs affected by the Project ranges from a low of around 20 percent for the Middle Methow BMU, to a high of nearly 100% for the Pasayten and Ashnola BMUs. Management direction for the Okanogan-Wenatchee National Forest includes guidelines for no net loss of core area.

Prey for grizzly bears includes ungulates, especially during fawning or calving, spawning salmon, carrion, and some small mammals. Soon after spring emergence from hibernation, bears feed primarily on vegetation. In the fall, berry-producing shrubs are a prime food source.

Effects

Given that we expect the proposed Project will not lead to a change in overall activity on the part of permittees, we analyzed effects in terms of continuation of current levels of activity. For example, because we did not expect trail and camp activity to increase, we did not expect increases in avoidance behavior to reduce habitat availability or change patterns of habitat use. The potential effects of the proposed Project on the grizzly bear are (1) direct disturbance of bears, especially at a dens site, due to increased noise and human activity associated with implementation of all Project elements, as well as disturbance and displacement of prey species, (2) accidental or intentional shooting, and (3) potential for human/bear interaction due to bears seeking food or garbage at an outfitter backcountry camp, and (4) pack and saddle stock overgrazing on bear forage areas and reduction in forage for native prey species. The proposed Project will result in no change to grizzly bear core area.

During implementation, increased human activity, noise, and other disturbances may temporarily displace grizzly bears. Currently, there are no known grizzly bear den sites in the Project area. Furthermore, the extremely low density of grizzly bears in the Recovery Zone contributes to a low likelihood of direct exposure of grizzly bears to Project-related disturbance. If disturbance occurs, temporary displacement of grizzly bears is likely to have insignificant effects on bear survival and reproduction. Disturbance to ungulates and other

prey species from permittees and clients are likely to occur, primarily during summer and during fall hunting seasons. We feel that temporary displacement of ungulates and other prey from sections of the area affected by the Project is unlikely to alter population dynamics of prey species or reduce predatory or scavenging opportunities of grizzly bears.

Grizzly bears can readily be misidentified as black bears (*Ursus americanus*), especially in the North Cascades where large, cinnamon colored black bears and black bears with blonde streaking are relatively common. The Project includes conservation measures to reduce the likelihood of misidentification, specifically by requiring permittees to advise their clients about how to distinguish grizzly and black bears, and about the consequences associated with shooting Federally protected grizzly bears. The extreme rarity of grizzly bears in the Project area combined with this conservation measure suggest a discountable likelihood of a grizzly bear shooting associated with this Project.

Exposure of grizzly bears to permittee camps could occur at backcountry sites. Proper storage and management of food, garbage, animal remains, and other attractants are effective ways to minimize risk of a negative bear/human interaction and to prevent bears from becoming conditioned to seek food from humans. Conservation measures regarding management of hunting carcasses (7b), dead pack or saddle stock (7d), and storage of food, garbage and other attractants (11c) should all contribute to reducing the likelihood of negative bear/human interactions to discountable levels.

Changes in vegetation associated with pack and saddle stock grazing will likely reduce foraging opportunities for native ungulates. Our opinion, however, is that these impacts will be sufficiently small in extent and patchy in distribution that they will have insignificant effects on population dynamics of prey populations, and will not reduce prey availability or foraging opportunities for grizzly bears.

In summary, the Service's opinion is that the proposed Project will have insignificant disturbance effects on the grizzly bear and its prey, shooting risk can be reduced to discountable levels by education efforts, proper management of food, garbage, and other attractants can reduce risk of negative bear human interactions to discountable levels, and grazing by pack and saddle stock will have insignificant effects on forage quality for bears or their ungulate prey. For all these potential effect mechanisms, the extremely low density of grizzly bears in the North Cascades Ecosystem leads to a discountable likelihood of grizzly bear exposure to these effects.

Gray Wolf

Baseline

The gray wolf is present in Washington in low numbers, primarily in the Cascades, northeast Washington, and southeast Washington. Confirmed reports (Class I) are uncommon, but confirmed reproduction of gray wolves has recently occurred in the Methow River drainage, Teanaway River drainage, and in the Pend Oreille River drainage. On December 3, 2011, the Washington Fish and Wildlife Commission approved a wolf conservation and management plan for Washington. The plan has two major components: (1) recovery objectives and strategies for downlisting and delisting wolves at the State level, and (2) management

strategies to reduce and address conflicts with livestock and big game herds (http://wdfw.wa.gov/wildlife/management/gray_wolf/ accessed 16 January 2013).

The presence of a gray wolf pack was documented in the Methow Valley in 2008. Monitoring resulted in the identification of a rendezvous site near Lookout Mountain in the Project area. This is the only known reproductive wolf pack on the Methow Valley Ranger District. The Lookout Pack inhabits the Sawtooth Backcountry, Lake Chelan-Sawtooth Wilderness, Middle Methow, Lower Methow, and North Cascades Highway subunits of the Project's analysis area. In summer, the pack has moved from its denning and rendezvous sites in the Lower Methow to higher elevations in the Lake Chelan-Sawtooth Wilderness and the North Cascades. By November, the pack typically has returned to the Lookout Mountain area, following the movement of mule deer (*Odocoileus hemionus*) to their winter range. Illegal killing of members of the Lookout Pack may have reduced the viability of this pack (currently, no females may be present).

The gray wolf can successfully occupy a wide range of habitats, and they are not dependent on wilderness areas for survival. In the past, gray wolf populations occupied nearly every type of habitat north of mid-Mexico that contained large ungulate prey species (USDI FWS 2003). Inadequate prey density and high levels of human persecution are the only factors that appear to limit wolf distribution (Mech 1995). Nearly any area that has sufficient prey and adequate protection from human-caused mortality could be considered potential gray wolf habitat. For wide-ranging species like the gray wolf, linkages among populations may also be essential for persistence (Soulé and Terborgh 1999).

Road density is frequently used as a surrogate variable to measure security from potential human persecution. Thurber *et al.* (1994) found wolves avoided roads open to public use, gated access roads, and secondary access roads in Alaska; several authors have suggested wolf packs do not persist where road densities exceed 0.6 km/km² (Thiel 1985, Mech 1989). Patches of security habitat may function as refugia, providing the gray wolf with a measure of protection from illegal shooting and trapping. In some studies, wolves showed nearly the same level of avoidance of areas with high-density trails as areas with high road density (Whittington *et al.* 2005, pgs. 550-551).

Although wolves typically avoid roads, they occasionally use low-traffic-volume roads as opportunistic travel routes (Whittington *et al.* 2005, pg. 550). Gray wolves tend to show increasing avoidance of roads associated with increasing traffic volume (Alexander *et al.* 2005, pg. 328), but the relationship does not appear as strong with wolves as with grizzly bears. Although wolves are generally considered to be relatively tolerant of non-motorized recreation trails (Gaines *et al.* 2003, pg. 14), wolf avoidance of trails appears to increase with increasing levels of trail use by people (Rogala *et al.* 2011, entire).

Analysis of quality of security habitat for the gray wolf can be done at the scale of BMUs (Gaines *et al.* 2003). As described for the grizzly bear, BMUs in the Project area provide a relatively high proportion of gray wolf security habitat (Gaines *et al.* 2003). This moderate to high percentage of security habitat increases the potential for sustaining gray wolf packs.

Due to game management regulations that limit the number of elk (*Cervus elaphus*) north of Highway 2 east of the Cascade crest, including the Project area, mule deer are the only abundant species of ungulate prey for wolves in the Project area. Providing high quality winter range for mule deer is a management emphasis in the Project area. The critical components of deer winter range are cover, forage, and freedom from disturbance.

Effects

As described in the BA, the effects with the greatest potential to impact the gray wolf are:

- Disturbance to a natal den or rendezvous site.
- Accidental or intentional shooting by permittees or their clients.
- Reduction in prey availability

Although disturbance of a den or rendezvous site is possible, currently there are no such known sites in the Project area. Given only one wolf pack is currently in the area, we expect the likelihood of disturbance resulting from the Project to be discountable. Future expansion of the wolf population could change this situation, resulting in the need for reinitiation of consultation. The potential for disturbance of a den or rendezvous site to result in adverse effects will be minimized by conservation measures included in the Project. If a new den or rendezvous site is found within the Project area, site specific avoidance distances would be prescribed for den sites, and for active rendezvous sites, management response would be more flexible. This approach is consistent with wolf use of rendezvous sites that are near to areas with high levels of human activity.

Likewise, accidental or intentional shooting could occur. To minimize the potential for shooting, the Project includes the conservation measure that parties engaged in hunting shall discuss (1) the importance of distinguishing between wolves and coyotes, and (2) the Federal protections afforded gray wolves. This measure, in combination with the currently low abundance of wolves in the Project area, led us to conclude that the likelihood of a wolf being shot by permittees or their clients was discountable. Again, this situation could change in the future if wolf populations expand.

We considered the potential for reduction in prey density by Project activities to be insignificant, because relatively few parties use outfitter/guides to hunt mule deer, and hunting of all forms does not appear to limit the abundant mule deer herds in the Project area.

Overall, we anticipate Project effects to the gray wolf will be insignificant and discountable based on the limited potential for reduction of the ungulate prey base and implementation of conservation measures that are likely to be effective at minimizing the likelihood of both disturbance and injury.

Canada Lynx

Baseline

Lynx distribution is linked to that of the snowshoe hare (*Lepus americanus*), which requires forests with low, dense, horizontal structure (Ruggiero et al. 2000). In the Project area, lynx inhabit subalpine fir, Engelmann spruce, and lodgepole pine forests, generally above 4,000 feet in elevation.

In contrast to grizzly bears and gray wolves, limited information suggests that lynx are relatively tolerant of human activities and do not avoid areas with high human use. Threats to lynx associated with recreation are mostly focused on winter recreation, and in particular, the effects that snow compaction might have on increasing potential competition with other carnivores or reducing lynx foraging success. The proposed Project will have no effects on snow compaction and is consistent with the Lynx Conservation Assessment and Strategy. Most of the Project area is within lynx habitat.

Effects

Because lynx are currently thought to be tolerant of recreational activities that do not result in snow compaction, the primary mechanism by which the proposed Project could affect lynx is accidental or intentional shooting. Lynx can easily be confused with bobcats (*Lynx rufus*). Again, our opinion is that the conservation measure requiring permittees to discuss proper identification of lynx and bobcats with their clients will be effective in reducing to discountable levels the risk of a lynx being shot in association with the Project. No new trails or camps would be developed, minimizing the potential for habitat effects.

Northern Spotted Owls

Baseline

In the eastern Cascade Range of Washington State, spotted owls inhabit mixed conifer forests that have high canopy closure, a multi-layered canopy, large diameter trees, a high incidence of large trees with deformities, large snags, accumulations of fallen trees and other woody debris on the ground, and sufficient open space below the canopy to allow for foraging flights. To support spotted owls, patches of this type of habitat need to be large (about 5,000 acres) and relatively contiguous. Forests with these characteristics typically occur below 5,000 feet in elevation. The Project area is within the range of the northern spotted owl, and about 8 home ranges of spotted owls have been located on the Methow Valley Ranger District.

Effects

The proposed Project has the potential to affect spotted owls by generating noise or visible activity sufficient to cause disturbance. Disturbance is unlikely, however, because of the sparse spotted owl use of the area, and because most outfitter activities occur late in the nesting season or after fledging has occurred. Use of trails that pass through spotted owl habitat by permittees is infrequent and unlikely to produce noise or visual stimuli disruptive enough to result in premature fledging or other negative effects. Most trail use occurs during the day when spotted owls are typically roosting. Most permittee camps are above 5,000 feet in elevation, minimizing the potential for disturbance of nighttime foraging activities. We agree that the proposed Project has a discountable likelihood of disturbing spotted owls. No new trails or camps would be developed, minimizing the potential for habitat effects.

Bull Trout and Bull Trout Critical Habitat

The Project is located within five hydrologic units occupied by bull trout where potential direct effects to individual fish or indirect effects to habitat could occur (Tables 1 and 2). In other watersheds in the Project area occupied by bull trout, the distance from Project activities to occupied areas are too great for exposure to Project effects to occur. The Project includes a

large array of conservation measures for Campsites, Campfires and Firewood, Leave-No-Trace camping practices, Trails, Sanitation, and Aquatic Resources that all will contribute to avoiding or minimizing Project effects on bull trout and aquatic habitats.

Baseline

To evaluate the baseline condition of bull trout populations and habitat, as well as Project effects, the Service uses a standardized approach referred to as the Matrix of Pathways and Indicators, or MPI (USFWS 1999)¹. The pathways and indicators in this analytical framework are assessed at different spatial scales to integrate project effects (typically occurring at the reach scale), with hydrologic and habitat-forming processes (operating at the watershed scale), and population dynamics of bull trout (occurring at the sub-basin scale).

Bull trout population indicators are typically assessed at the scale of sub-basins, because this corresponds roughly to the scale of bull trout metapopulations. Portions of the Project area where potential effects to bull trout could occur are all located within the Methow sub-basin. The Service agrees with the USFS's assessment that the baseline condition of all population indicators is "functioning at unacceptable risk" in the Methow sub-basin. This status is based on redd surveys yielding low estimates of total population size, insufficient data to provide sound estimates of trends in abundance, reduced connectivity among subpopulations, as well as concern about introgressive hybridization with brook trout (*Salvelinus fontinalis*).

Within the Methow sub-basin, the Project will occur in five watersheds where direct or indirect effects to bull trout might occur. Baseline habitat conditions in these watersheds varies from "properly functioning" for most habitat indicators, to "functioning at risk" for most (Table 1). Baseline conditions for this Project were drawn from recent consultations in all watersheds except the Lost River, which required development of a full baseline update. The Project BA provided detailed descriptions of baseline conditions in each of the potentially affected watersheds. The Service appreciates the USFS's efforts to compile information on baseline conditions at the watershed scale.

¹ USFWS (United States Fish and Wildlife Service). 1999. Draft. A Framework to Assist in Making Endangered Species Act Determinations of Effect for individual of Grouped Actions at the Bull Trout Subpopulation Watershed Scale. June 1999. 46 pp.

Table 1. Baseline habitat conditions and indicators potentially affected by watershed.

Watershed	Baseline Habitat Condition	Indicators Potentially Affected	Effects Summary
Lost River	Properly functioning	Stream Temperature Sediment/turbidity/substrate embeddedness Chemical Contaminants and Nutrients Large Woody Debris Streambank Condition Peak and Base Flows Riparian reserve Disturbance Regime	Insignificant negative effects
Upper Chewuch	Properly functioning	Stream Temperature Sediment/turbidity/substrate embeddedness Chemical Contaminants and Nutrients Pool frequency and quality Streambank Condition Peak and Base Flows Disturbance History Riparian Reserves Disturbance Regime	Insignificant negative effects
Lower Chewuch	Functioning at risk	Chemical Contaminants and Nutrients	Neutral effects
Upper Methow	Functioning at risk	Sediment/turbidity/substrate embeddedness Chemical Contaminants and Nutrients Streambank Condition Peak and Base Flows Disturbance History Riparian Reserves Disturbance Regime	Insignificant negative effects
Middle Methow	Functioning at risk	Chemical Contaminants and Nutrients Large Woody Debris Pool frequency and quality Streambank Condition Disturbance Regime	Insignificant negative effects
Twisp River	Functioning at risk	Stream Temperature Sediment/turbidity/substrate embeddedness Streambank Condition Disturbance History Riparian Reserves Disturbance Regime	Insignificant negative effects

Direct Effects

Individual bull trout may be affected by (1) packstock use, especially stream fords, (2) camp use, and (3) water developments (see Table 2). We analyzed the potential for direct effects by considering the likelihood of coincidence of bull trout and Project elements, the frequency of Project activities, and the likely effectiveness of conservation measures at minimizing risk.

Based on limited available information, our expectation is that all mobile life stages of bull trout typically spend most daytime hours concealed in deep pools and beneath undercut banks or other forms of cover, or within interstitial spaces in the substrate. Likelihood of bull trout presence at any particular location in an occupied stream network is likely to be roughly proportional to the abundance and complexity of these preferred habitat features.

Table 2. Activities with potential for direct effects on bull trout.

Watershed	Project Elements in Watershed	Activities Causing Risk	Conservation Measures and Effects Summary
Lost River	Packstock (especially fords) Drop camps	Watering stock Fording river	Very low frequency of use; camp closure to avoid spawners. Discountable risk.
Chewuch River	Packstock (especially fords) Base camps and drop camps Water developments	Fording river Placing intake and pipe for water withdrawal in Andrews Creek	Infrequent use; redd identification training; screen requirement. Discountable risk.
Upper Methow	Packstock (especially fords) Drop camps	Fording Rattlesnake Cr.	Very low frequency of use; redd identification training. Discountable risk.
Middle Methow	Packstock (especially fords) Drop camps	Fording Wolf Creek, North Fork Wolf Creek, and Blue Buck Creek	Camp closure to avoid spawners; redd identification training. Discountable risk.
Twisp	Packstock (especially fords) Base camps and drop camps Water developments	Fording Buttermilk Creek	Infrequent use; redd identification training. Discountable risk.

These habitat features that increase the likelihood that bull trout may be present are not, however, particularly favorable locations for trail fords or placement of intakes for water developments. Fords, which are predominantly used during the daytime, and water intakes are better located where water is relatively shallow, substrate is relatively small, firm, and homogeneous with few large spaces, banks are solid and not undercut, and large downed wood is absent. This fundamental divergence between bull trout habitat preferences and suitable locations for some Project elements that could have direct effects on bull trout contribute considerably to reducing the risk of direct effects. The frequency and duration of use of fords and the extremely small volumes of water removed by water developments also

contribute to our finding that the Project has a discountable likelihood of resulting in adverse direct effects to mobile life stages of bull trout (e.g., injury to rearing juveniles due to trampling while holding in substrate interstitial spaces).

Some trails and fords used in the Project area are located near spawning areas, raising the potential for direct effects to non-motile life stages (eggs and developing fry in redds). Spawning habitat characteristics are more consistent with the types of locations that are favorable to fords or water developments. To minimize the potential for Project effects to redds, the Project includes the conservation measure of training permittees to identify salmonid redds and requires use of alternative crossing sites if redds are detected. Another conservation measure requires that intakes for water developments are screened in compliance with National Marine Fisheries Service standards. We expect that these conservation measures will be effective at reducing the potential for direct effects from these Project elements to discountable levels.

Camp use by permittees constitutes the last Project element with the potential to have direct effects on bull trout. Camps may be located near areas with habitat favorable to bull trout, and camps are used during both daytime and nighttime hours. To minimize risk of direct effects, the Project includes conservation measures that close camps near spawning areas before spawning typically begins, train permittees to identify and avoid redds, and require permittees to encourage clients to use leave-no-trace approaches to camping. We expect these conservation measures to be effective. Consequently, we expect that the types of activities associated with camp use, including watering stock, wading, swimming, and withdrawing water for cooking and cleaning, will all have a discountable likelihood of having adverse impacts on bull trout. We expect that if any bull trout are exposed to camp use activities, resulting effects will be insignificant.

We understand that fishing in compliance with Washington State regulations will occur and that this activity, associated primarily with camp use, will likely result in adverse effects, including mortality of bull trout. We agree that it is appropriate to consider these effects to bull trout to be associated with State fishing regulations and not a direct effect of this Project.

Indirect Effects to Habitat Indicators

The BA for the Project assessed potential Project effects to most habitat indicators in all five watersheds where effects to bull trout could occur. The indicators listed in Table 1 represent the indicators most likely to be affected by the Project, considering variation in the type, scope, and frequency of Project elements in each watershed. We agree with the comprehensive analyses presented in the BA which found that all Project elements would result in insignificant negative effects to selected habitat indicators in all watersheds evaluated. None of these effects were extensive, prolonged, or severe enough to warrant changing the baseline condition of any indicator. We expect that the conservation measures included in the Project will effectively reduce impacts to habitat indicators as well as reducing risk of direct effects to individual bull trout.

Responses of Bull Trout to Project Effects on Habitat Indicators

Bull trout use the portions of the watersheds affected by the Project for spawning, rearing, foraging, migrating, and overwintering habitat. The Service agrees with the assessment of the USFS that the effects to habitat indicators from the Project will be insignificant in scope and will have a discountable likelihood of resulting in indirect adverse effects to bull trout exposed to potential changes in habitat conditions. Changes to all indicators will be very localized in extent and small in magnitude. Exposure of individuals in any life stage to the expected minor changes in water quality (due to slight increases in temperature, turbidity and sedimentation, and nutrients) would likely result in minor behavioral or physiologic changes that would not influence survival or reproduction. Similarly, exposure to slight reductions in large woody debris, pool quality, and streambank stability would likely result in either no response or short movements to adjoining areas unaffected by localized Project impacts. These short movements would be similar in scale to typical foraging movements and are unlikely to affect survival or reproduction. Expected changes to watershed condition indicators, (Disturbance History, Riparian Reserves, and Disturbance Regime) are also so slight that we expect them to have insignificant effects on any bull trout exposed to them, and likewise, result in no changes in population dynamics.

Effects to Bull Trout Critical Habitat

In an effort to streamline our analysis of Project effects, we also evaluate effects on designated critical habitat for the bull trout in the context of the MPI. We rely on a crosswalk to translate Project effects on indicators into a summary of effects on the primary constituent elements of critical habitat. As indicated in Table 1 and the paragraph above describing Project effects on habitat indicators, we expect insignificant effects on habitat indicators to result in correspondingly insignificant effects to the primary constituent elements of bull trout critical habitat, including the levels of occurrence of nonnative predatory, interbreeding, or competing species (which is not expressly covered by the MPI).

Cumulative effects, including logging on private timberlands, private recreation, and residential development will likely continue to reducing habitat quality of the landscape surrounding the Project area. We do not anticipate any cumulative effects within the Project area, which is located on federally managed lands.

Conclusion

The Project BA describes effects that are either extremely unlikely to occur and/or are very small in scale. The Service agrees that the proposed action will result in discountable and insignificant effects to individuals and the habitats of the listed species named above. Therefore, the Service concurs with your determinations of “may affect, not likely to adversely affect” for the grizzly bear, gray wolf, Canada lynx, northern spotted owl, bull trout, and designated critical habitat for the bull trout, based on the information included in the BA. Our concurrence is conditioned on the Project being implemented as described in the BA.

This concludes informal consultation pursuant to the regulations implementing the Act, 50 C.F.R. § 402.13 for the Project. The Project should be reanalyzed if new information reveals effects of the action that may affect listed or proposed species or designated or proposed critical habitat in a manner or to an extent not considered in this consultation; if the action is

subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by this Project.

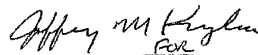
Conservation Recommendations

Section 7(a)(1) of the Act directs federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. Pursuant to section 7(a)(1), the Service makes the following recommendations:

1. Regarding conservation measure 1E, if the USFS gets a request from a permittee for an increase in the size of the barren core area of any camp in watersheds occupied by bull trout, discuss this request with the Service before approving it.
2. Regarding conservation measure 1G, if the USFS closes campsites and intends to open replacement sites in watersheds occupied by bull trout, discuss the proposed size and location of the proposed new sites with the Service before proceeding with the work.
3. If intentional or unintentional take of a grizzly bear, gray wolf, or Canada lynx occurs in association with the Project, notify the Service's Law Enforcement Office (Richland, Washington; Special Agent Corky Roberts, telephone 509.546.8344), reinstate consultation, and consider administrative action against the permittee if warranted.
4. Prioritize improvements to stormwater management on the Harts Pass road.
5. Share results of Project monitoring with the Service.

Thank you for conserving listed species. If you have any questions or comments regarding this letter, please contact Karl Halupka at the Central Washington Field Office in Wenatchee at (509) 665-3508, extension 11, or via e-mail at Karl_Halupka@fws.gov.

Sincerely,



Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc: Gene Shull, Okanogan and Wenatchee NF, Winthrop

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